

Planning and Environment Act 1987

Panel Report

Moreland Planning Scheme Amendment C174

Heritage Gap Study

20 June 2019 (Corrected 8 August 2019)

Planning and Environment Act 1987

Panel Report pursuant to section 25 of the Act

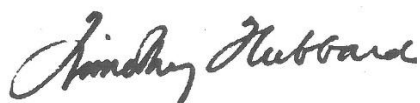
Moreland Planning Scheme Amendment C174

Heritage Gap Study

20 June 2019 (Corrected 8 August 2019)



Con Tsotsoros, Chair



Dr Timothy Hubbard, Member

Contents

	Page
1 Introduction.....	1
1.1 The Amendment.....	1
1.2 Background.....	4
1.3 Procedural matters.....	5
1.4 The Panel’s approach	6
2 Planning context	7
2.1 Planning policy framework.....	7
2.2 Other relevant planning strategies and policies	8
2.3 Planning scheme provisions	8
2.4 Ministerial Directions and Practice Notes.....	8
3 Strategic matters	10
3.1 Moreland thematic context	10
3.2 Heritage Gap Study approach	10
3.3 Policy support.....	11
3.4 Site selection	12
3.5 Property not identified in a previous study	13
3.6 Conclusions.....	13
4 Common issues	14
4.1 Building condition and structural integrity	14
4.2 Development opportunity.....	15
4.3 Non-contributory place in a heritage precinct.....	16
4.4 Financial implications and property value	17
4.5 Proposed post-exhibition changes to heritage citations	18
5 Heritage precincts.....	19
5.1 Coonan’s Hill, Pascoe Vale South Precinct (HO207).....	19
5.2 Sumner Estate, Brunswick East Precinct (HO238)	20
5.3 Hickford Street Precinct (HO543).....	22
5.4 Tinning Street Precinct (HO546).....	23
5.5 Ewing Street Precinct (HO75).....	25
6 Heritage serial listings	26
6.1 Closer Settlement Houses Serial Listing (HO540)	26
6.2 War Services Homes (Brick) Serial Listing (HO541).....	29
6.3 War Service Homes (Timber) Serial Listing (HO542).....	32
7 Heritage places	35
7.1 206-210 Barkly Street, Brunswick (HO458).....	35
7.2 233-239 Brunswick Road, Brunswick (HO462).....	38
7.3 32 David Street, Brunswick (HO466).....	40

7.4	16-18 Glenlyon Road, Brunswick (HO476)	44
7.5	2 McLean Street, Brunswick West (HO491)	46
7.6	1 South Daly Street, Brunswick West (HO497)	49
7.7	63-65 Union Street, Brunswick (HO499)	51
7.8	273 Victoria Street, Brunswick (HO502).....	54
7.9	19 Balmoral Avenue, Brunswick East (HO510).....	57
7.10	159-165 Donald Street, Brunswick East (HO511).....	59
7.11	23 Holmes Street, Brunswick East (HO512)	62
7.12	36 King Street, North Fitzroy (HO535)	64
7.13	1/197 The Avenue, Coburg (HO547)	67

Appendix A Document list

Appendix B Panel preferred version of the HO511 (Prestige Mill Complex (Former), 159-165 Donald Street, Brunswick East) Heritage Citation

List of Tables

	Page
Table 1 Exhibited heritage precincts, serial listings, places and submissions received	2
Table 2 Chronology of events	4

Glossary and abbreviations

Act	<i>Planning and Environment Act 1987</i>
Council	Moreland City Council
Heritage Gap Study	<i>Moreland Heritage Gap Study 2017</i> , 30 October 2018, prepared by Context
HO	Heritage Overlay
Planning Scheme	Moreland Planning Scheme

Overview

Amendment summary	
The Amendment	Moreland Planning Scheme Amendment C174
Common name	Heritage Gap Study
Brief description	Implements the recommendations of the Moreland Heritage Gap Study 2017 by applying the Heritage Overlay to 80 individual places, four heritage precincts, three serial listings and 10 precinct extensions in Brunswick, Brunswick East, Brunswick West, Coburg, Coburg North, Glenroy, Fawkner, Fitzroy North, Oak Park, Pascoe Vale and Pascoe Vale South
Subject land	Land described in Chapter 1.1
Planning Authority	Moreland City Council
Authorisation	30 October 2018
Exhibition	22 November 2018 to 25 January 2019
Submissions	<p>Submissions were received from:</p> <ol style="list-style-type: none"> 1. Michael Scalzo 2. Sandy Fitts 3. Gamini and Arlene Jayawardena 4. Toscana Social Club 5. George and Rima Ahmar 6. David Green and Anne Denis 7. Lee Yates and Katrina Stoel 8. Grace Molluso 9. Chris and Kelly Sourlos 10. Frank De Gier and Kelly Broadway 11. Salvatore and Anna Cosentino 12. Franco Butera 13. Malek and Wadia Melhem 14. Richard Fox 15. Barbara Hill and Vanessa Heta 16. Alexander Hont 17. Guiseppe Ganci 18. David Szutu 19. Michele Haywood 20. Matthew Leury 21. Anne McCullagh 22. Giovanni Batticciotto 23. Elena McKeon and R Howard 24. Carmelo and Elizabeth Massimino 25. Angela Jurjevic 26. Antoinette De Fazio-Careri 27. Richard Burt 28. Ross Aitken 29. Bruce and Catherine Adriaans 30. Rod Duncan 31. Charles Amy 32. Samuel Rosevear and Melodie Potts-Rosevear 33. Massam Investments Pty Ltd, MMTV family trust and Nick Makris 34. Irene Pilipasidis 35. National Trust of Australia (Victoria)

Panel process	
The Panel	Con Tsotsoros (Chair), Dr Timothy Hubbard
Directions Hearing	Planning Panels Victoria, 9 April 2019
Panel Hearing	Planning Panels Victoria, 6 and 7 May 2019
Site inspections	Unaccompanied, 5 May 2019
Appearances	<ul style="list-style-type: none"> - Moreland City Council represented by Angela Schirripa, calling expert evidence on heritage from David Helms of Context - 32 David Street, Brunswick owner represented by Louise Hicks of Counsel, instructed by Equipe Lawyers, calling expert evidence on heritage from Bryce Raworth of Bryce Raworth Pty Ltd - Toscana Social Club represented by Ron Paoli - 63 Union Street, Brunswick owner - 210 Barkly Street, Brunswick owners - 18 Waxman Parade, Brunswick West owner represented by Megan McCullagh - Three owners of 159-165 Donald Street, Brunswick East represented by George Vassiliadis - 183 Stewart Street, Brunswick East owners represented by Andrew Lanarus of Human Habitats - 1 South Daly Street, Brunswick East owner - Rod Duncan
Citation	Moreland PSA C174 [2019] PPV
Date of this Report	20 June 2019 (Corrected 8 August 2019)

Executive summary

Moreland Planning Scheme Amendment C174 (the Amendment) seeks to implement the findings of the *Moreland Heritage Gap Study 2017*, 30 October 2018 (Heritage Gap Study) by applying the Heritage Overlay to serial listings, precincts and places throughout the municipality.

The Amendment was exhibited from 22 November 2018 to 25 January 2019 and received 35 submissions. Key common issues raised in submissions included building condition and structural integrity, development opportunity, non-contributory place in a heritage precinct, financial implications and property value. Submissions questioned the heritage significance of places in precincts, serial listings and individual listings.

The Panel has considered strategic matters associated with the Amendment before considering issues raised on identified properties.

Strategic matters

The Panel finds that the Heritage Gap Study has applied an appropriate methodology for initially identifying candidate sites and assessing whether they have sufficient local significance to justify the Heritage Overlay. The Amendment is consistent with relevant policies and strategies and has included places, serial listings and precincts based on recommendations in the Heritage Gap Study.

Excluding a place identified in the Heritage Gap Study from the Amendment does not affect the Amendment's strategic basis or its integrity. Whether a property was identified or not in a previous study is irrelevant to whether a place has sufficient local significance to justify the Heritage Overlay.

For the reasons set out in this report, the Panel concludes that the Amendment is supported by, and implements, the relevant sections of the Planning Policy Framework. It is consistent with the relevant Ministerial Directions and Practice Notes. The Amendment is well founded, strategically justified and should proceed subject to addressing the more specific issues raised in submissions.

Common issues

The Panel considers building condition, structural integrity, development opportunity, individual property value and financial implications to be irrelevant when considering whether a place has sufficient local heritage significance to justify the Heritage Overlay. Building condition and structural integrity are relevant during the planning permit application process. The Heritage Overlay enables development opportunities including alterations, additions and demolition.

Heritage precincts

Coonan's Hill, Pascoe Vale South Precinct (HO207)

It is appropriate and justified to include 1 Woodlands Avenue as a non-contributory place and 7 Woodlands Avenue as a contributory place.

Sumner Estate, Brunswick East (HO238)

It is appropriate and justified to designate 18 Lowan Street and 281 Glenlyon Road, Brunswick East as contributory places and to include 271 Glenlyon Road.

Hickford Street Precinct (HO543)

It is appropriate and justified to designate 76 Hickford Street, Brunswick East as a contributory place.

Tinning Street Precinct (HO546)

It is appropriate and justified to apply the Heritage Overlay, including designating 104 Tinning Street, Brunswick as a non-contributory place.

Ewing Street Precinct (HO75)

It is appropriate and justified to designate 116 Glenlyon Road, Brunswick as a contributory place.

Heritage serial listings

Closer Settlement Houses Serial Listing (HO540)

It is appropriate and justified to apply the Heritage Overlay (HO540) to 18 Waxman Parade, Brunswick West and the HO540 Heritage Citation accurately reflects the place. It is not appropriate and justified to apply the Heritage Overlay to 32 Passfield Street, Brunswick West. The HO540 Heritage Citation should be revised to remove 32 Passfield Street, Brunswick West.

War Services Homes (Brick) Serial Listing (HO541)

It is appropriate and justified to apply the Heritage Overlay (HO541) to 17, 19 and 31 Glenora Avenue, Coburg. The HO541 Heritage Citation should be revised to accurately describe the building materials used at 17 Glenora Avenue, Coburg.

War Service Homes (Timber) Serial Listing (HO542)

It is appropriate and justified to apply the Heritage Overlay (HO542) to 183 Stewart Street and 1 Temuka Avenue, Brunswick East. The HO542 Heritage Citation should reference each place's first owner's war enlistment and reference 5 Timaru Street, Brunswick East which was inadvertently omitted. In the next heritage review, HO542 in Volume 1 of the Heritage Gap Study should be revised to correctly describe the current status of both heritage places and to reference their first owner's enlistment.

Heritage places

206-210 Barkly Street, Brunswick – It is appropriate and justified to apply the Heritage Overlay (HO458) and its Heritage Citation accurately reflects the place.

233-239 Brunswick Road, Brunswick – It is appropriate and justified to apply the Heritage Overlay (HO462).

32 David Street, Brunswick – It is not appropriate and justified to apply the Heritage Overlay (HO466) because irreversible alterations and loss of heritage fabric have diminished its

intactness and heritage significance to the point where it no longer meets the necessary threshold. The HO466 Heritage Citation does not accurately describe the place.

16 and 18 Glenlyon Road, Brunswick – It is appropriate and justified to apply the Heritage Overlay (HO476).

2 McLean Street, Brunswick West – It is appropriate and justified to apply the Heritage Overlay (HO491) and its Heritage Citation accurately reflects the place. In the next heritage review, HO491 in Volume 1 of the Heritage Gap Study should be revised to amplify the history of the first owner of the place.

1 South Daly Street, Brunswick West – The fence controls in the Heritage Overlay Schedule (HO497) should not apply to the remnant of the front fence.

63 and 65 Union Street, Brunswick – It is appropriate and justified to apply the Heritage Overlay (HO499), however the Heritage Citation should be amended to accurately reflect the place.

273 Victoria Street, Brunswick – It is appropriate and justified to apply the Heritage Overlay (HO502) to the entire place and its Heritage Citation accurately reflects the place.

19 Balmoral Avenue, Brunswick East – It is appropriate and justified to apply the Heritage Overlay (HO510).

159, 161 and 165 Donald Street, Brunswick East – It is appropriate and justified to apply the Heritage Overlay (HO511). The HO511 Heritage Citation accurately reflects the place but should be revised to include Council's proposed post-exhibition changes. A place of this scale and nature would benefit from a Conservation Management Plan in consultation with Council and the owners.

23 Holmes Street, Brunswick East – It is appropriate and justified to apply the Heritage Overlay (HO512).

36 King Street, North Fitzroy – It is appropriate and justified to apply the Heritage Overlay (HO535), however its Heritage Citation should be revised to accurately reflect the place. The affected owner should be notified before progressing the Amendment insofar as it relates to 36 King Street.

1/197 The Avenue, Coburg – It is not appropriate or justified to apply the Heritage Overlay.

Recommendations

Based on the reasons set out in this Report, the Panel recommends that Moreland Planning Scheme Amendment C174 be adopted as exhibited subject to the following:

- 1. Amend the heritage citations to reflect changes in Council's Part A submission Appendix 5 (Document 1) unless recommended otherwise.**
- 2. Amend the Heritage Overlay Schedule to:**
 - a) delete the HO466 (32 David Street, Brunswick) listing**
 - b) change 'Yes' to 'No' in the *Outbuildings or fences which are not exempt under Clause 43.01-3* column in the HO497 (1 South Daly Street, Brunswick West) listing**

- c) delete reference to 32 Passfield Street, Brunswick West in the HO540 (Serial listing
 - d) delete the HO547 (1/197 The Avenue, Coburg) listing.
- 3. Amend the Heritage Overlay map to:
 - a) remove 32 Passfield Street, Brunswick West
 - b) remove 32 David Street, Brunswick
 - c) remove 1/197 The Avenue, Coburg.
- 4. Amend the following heritage citations:
 - a) HO499 (63 and 65 Union Street, Brunswick) to correct errors in the Heritage Citation and to delete the recommendation to replace the front fence of 65 Union Street
 - b) HO535 (36 King Street, North Fitzroy) to identify alterations – the small gable windows, front security gate, new windows in the south elevation, enclosed rear porch and the changed rear roofline
 - c) HO540 (Serial listing) to remove 32 Passfield Street, Brunswick West
 - d) HO541 (17 Glenora Avenue, Coburg) to reference the cement (or concrete) roof tiles and painted face brickwork
 - e) HO542 (War Service Homes (Timber) Serial Listing) to reference the war enlistments of the first owner of 183 Stewart Street and 1 Temuka Avenue, Brunswick East.
- 5. Amend the HO511 (159-165 Donald Street, Brunswick East) to include changes shown in Appendix B.

1 Introduction

1.1 The Amendment

The Amendment proposes to implement the findings of the *Moreland Heritage Gap Study 2017*, 30 October 2018 (Heritage Gap Study) by:

- applying the Heritage Overlay, as shown in Table 1, to:
 - four new heritage precincts
 - three new serial listings – properties marked below with ‘A’ to be included in the Closer Settlement Homes (HO541) serial listing
 - land which extends 10 existing heritage precincts – properties identified below as HO207 are proposed to be included in the Melville Road, Pascoe Vale South (HO110) precinct
 - 80 individual places
- deleting the following 39 heritage places in the Heritage Overlay Schedule:
 - 136 Union Street, Brunswick (HO139)
 - 45 Waxman Parade, Brunswick West (HO192)
 - Glenroy Road (northern side between Logan Street and Cardinal Road), Glenroy (HO307)
 - 170-176 Lygon Street, Brunswick East (HO442)
 - 6 Allard Street, Brunswick West (HO263)^A
 - 10 Allard Street, Brunswick West (HO10)^A
 - 47 Cumming Street, Brunswick West (HO54)^A
 - 7 Hopetoun Avenue, Brunswick West (HO97)^A
 - 30 Murray Street, Brunswick West (HO337)^A
 - 19 Passfield Street, Brunswick West (HO136)^A
 - 23 Passfield Street, Brunswick West (HO137)^A
 - 1 Timaru Avenue, Brunswick East (HO176)^A
 - 1 Waihi Avenue, Brunswick East (HO188)^A
 - 37 Waxman Parade, Brunswick West (HO191)^A
 - 43 Waxman Parade, Brunswick West (HO192)^A
 - 51 Waxman Parade, Brunswick West (HO232)^A
 - 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 31, 33, 35, 37, 39, 41, 43, 45, 47, 49, 51, 53, 55-57 Melville Road, Pascoe Vale South (HO207).
- incorporating, through the Clause 72.04 Schedule:
 - *The Moreland Heritage Exemptions Incorporated Plan 2017*
 - *Moreland Heritage Gap Study 2017*
- making associated Heritage Overlay planning scheme mapping changes.

Table 1 Exhibited heritage precincts, serial listings, places and submissions received

Precincts	Criteria*	HO Ref	Submission number
Hickford Street	A, D, E	HO543	13
Meaker Avenue	A, D, E	HO544	6
Waxman Parade	A, E	HO545	
Tinning Street	A, D, E	HO546	1, 28
Daly Street, Brunswick West	D, E	HO56	
Dawson Street, Brunswick	D, E	HO60	
Ewing Street, Brunswick	A, D, E	HO75	16
Melville Road, Pascoe Vale South	A, D, E	HO110	
Methven Park, Brunswick East	A, D, E	HO113	
Dudley Street, Fitzroy North	A, E	HO116	
Park Street, Brunswick	A, D, E	HO130	
Phillipstown, Brunswick	A, D	HO139	
Coonans Hill, Pascoe Vale South	A, D, E	HO207	7, 20
Sumner Estate, Brunswick East	A, D, E	HO238	12, 15
Serial listings	Criteria*	HO Ref	Submission number
Closer Settlement Houses	A, D, E	HO540	5, 8, 34
War Services Homes (Brick)	A, D, E	HO541	5, 8, 34
War Services Homes (Timber)	A, D, E	HO542	23, 32
Place	Criteria*	HO Ref	Submission number
Brunswick			
9 Aberdeen Street	D, E	HO448	
109-111 Albert Street	D, E	HO449	
137 Albert Street	D, E	HO450	
170 Albert Street	A, E	HO451	
103 Albion Street	A, B, D, E	HO452	
5 Bank Street	D, E	HO453	
134-136 Barkly Street	B, D, E	HO455	
163-169 Barkly Street	D	HO456	
195 Barkly Street	A, D	HO457	
206-210 Barkly Street	A, B	HO458	9, 10, 18
211-219 Barkly Street	A, B, D	HO459	
193 Brunswick Road	A, D, E	HO461	
233-239 Brunswick Road	A, D, E	HO462	
35 Cassels Road	D	HO465	
32 David Street	A, B, C, D	HO466	25
38 David Street	A, B, D	HO467	
29 Dawson Street	A, B	HO468	
60 Dawson Street	A, D, E	HO469	
140-142 Edward Street	D, E	HO472	

Place	Criteria*	HO Ref	Submission number
183-187 Edward Street	A, D, E	HO473	
23 Evans Street	D, E	HO474	
16-18 Glenlyon Road	A, D, E	HO476	22
60-62 Glenlyon Road	D	HO477	
46-48 Gold Street	D, E	HO478	
73 Hope Street	D, E	HO479	
76-78 Hope Street	D, E	HO480	
94 Hope Street	D, E	HO482	
5 Laura Street	D, E	HO486	
86 Laura Street	B, D, E	HO487	
23-25 Luscombe Street	B, D	HO488	
96 Lydia Street	A, D	HO489	
112 Moreland Road	D, E	HO492	
46 Murdock Street	D, E	HO494	
683 Park Street	A, D, E	HO495	
685 Park Street	A, D, E	HO496	
840 Sydney Road	A, D, E	HO498	
63-65 Union Street	A, B, C, D	HO499	14, 29
80 Union Street	A, B, D, E	HO500	
235 Victoria Street	A, E	HO501	
273 Victoria Street	A, G	HO502	4
241-243 Victoria Street	D	HO503	
380-382 Victoria Street	A, D, E	HO504	
209 Barkly Street	D, E	HO539	
Brunswick East			
38 John Street	A, D, E	HO485	
31-33 Lygon Street	D, E	HO490	
151A Lygon Street	D, E	HO505	
8 Aintree Street	D, E	HO506	
23-25 Albert Street	A, D	HO507	
28-30 Albert Street	E	HO508	
47-51 Albert Street	A, D, E, G	HO509	
19 Balmoral Avenue	D, E	HO510	27
159-165 Donald Street	A, D, E	HO511	33
23 Holmes Street	D, E	HO512	26
2-4 Inverness Street	A, D, E	HO514	
136A Nicholson Street	A, D, E	HO515	
255 Nicholson Street	D, E	HO516	
7 Parkview Avenue	D, E	HO517	

Place	Criteria*	HO Ref	Submission number
Brunswick West			
2 McLean Street	A, B, D, H	HO491	19
1 South Daly Street	A, B, C, D, E	HO497	31
443 Albion Street	A, D, E	HO518	
307 Brunswick Road	D, E	HO519	
31 Burnell Street	A, B	HO520	
22 Grantham Street	D, E	HO521	
70 Heller Street	A, B, C, D, E	HO522	
16 Horne Street	D, E	HO523	
228 Melville Road	A, D, E, H	HO524	
384 Moreland Road	A, D, E	HO525	
33 Newman Street	D, E	HO526	
9 Waxman Parade	A, B, C	HO527	
92 & 94 Whitby Street	D, E	HO528	
Coburg			
26 Walsh Street	A, D, E	HO444	
Corner of Bell Street and Nicholson Street	A, B, C, F, G	HO529	
160-162 Bell Street	A, D, E	HO530	
105 Munro Street	A, B, D	HO531	
153 Reynard Street	D, E	HO532	
425 Sydney Road	A, E	HO533	
431-433 Sydney Road	A, E	HO534	
197 The Avenue	A, C, H	HO547	3
Fitzroy North			
36 King Street	A, B, D	HO535	2
Pascoe Vale			
109 Cumberland Road	A, H, G	HO536	

* Model criteria specified in Planning Practice Note 1 (see Chapter 2.4)

1.2 Background

The following chronology of events was included in Council's Part A submission.

Table 2 Chronology of events

2017	
6 December	Council adopted the Heritage Gap Study
2018	
13 February	Council requested that the Minister for Planning prepare, adopt and approve Amendment C173 to introduce interim heritage controls to properties identified in the Heritage Gap Study

31 July	Council requested the Minister for Planning to authorise Amendment C174
30 October	The Department of Environment, Land, Water and Planning, under delegation from the Minister for Planning, authorised Amendment C174
22 November	Amendment C174 exhibition commenced
2019	
24 January	Interim Heritage Overlay was introduced to land subject to the Amendment [Amendment C173]
25 January	Amendment C174 exhibition ended – 35 submissions received
13 March	Council resolved to: <ul style="list-style-type: none"> - endorse changes to the Moreland Heritage Exemptions Incorporated Plan 2017 and other Amendment documentation in response to submissions - request the Minister for Planning to appoint a Planning Panel
19 March	Panel appointed
31 December	Interim Heritage Overlay will expire

1.3 Procedural matters

(i) Exhibition

Mr Fox and Mr Duncan were concerned that the Amendment was exhibited over the Christmas and New Year period.

Mr Duncan submitted that Council met its statutory obligation when exhibiting the Amendment. However, as someone who contributed to the Heritage Gap Study, he was disappointed that he was not advised of the Amendment's exhibition. He considered that the Amendment should have been exhibited for longer because it occurred during the Christmas – New Year holiday period. Mr Duncan requested that Council re-exhibit the Amendment and notify all contributors to the Heritage Gap Study.

Council submitted that it met the exhibition requirements specified in the Act and considered that it conducted a fair, proper and adequate process. It explained that it achieved this by exhibiting the Amendment from 22 November 2018 to 25 January 2019 – five additional weeks to what an Amendment would normally be exhibited.

The Panel agrees with Council that it exhibited the Amendment in line with the relevant requirements of the Act.

(ii) Direct notice – 151A Lygon Street, Brunswick East

On 24 May 2019, P&S Mirabella Holdings Pty Ltd, the owner of 151A Lygon Street, Brunswick East, emailed a letter to Council which was copied to Planning Panels Victoria. It claimed that it did not receive direct notice of the Amendment which resulted in procedural defect. P&S Mirabella Holdings sought to make a detailed submission which could be considered by Council and the Panel.

On 28 May 2019, Council responded that:

- the Amendment was exhibited in accordance with section 19 of the Act
- Council's records indicate direct notice through hard copy letter to the land owner and the occupier on 16 November 2018
- one-on-one meetings were offered to all owners directly affected by the Heritage Overlay
- in December 2018, it notified P&S Mirabella Holdings that its request for demolition would be suspended pending the Amendment
- on 5 February 2019, it notified P&S Mirabella Holdings that its request was refused due to Amendment C173 and that it would accept a late submission to the Amendment which it would refer to the Panel.

P&S Mirabella Holdings Pty Ltd contacted Council on 31 May 2019, upholding that it had no record of direct notice.

151A Lygon Street, Brunswick East has not been addressed in this report because a submission was not referred to the Panel.

(iii) Parties to the Hearing

The 1 South Daly Street owner indicated that he no longer wished to be heard at the Hearing after Council confirmed that it agreed with his written submission.

1.4 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:

- Planning context
- Strategic matters
- Common issues
- Heritage precincts
- Heritage serial listings
- Heritage places.

2 Planning context

2.1 Planning policy framework

Council submitted that the Amendment is supported by various clauses in the Planning Policy Framework, which the Panel has summarised below.

Victorian planning objectives

The Amendment will implement section 4(1)(d) of the Act 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
- balance the present and future interests of all Victorians.

Planning Policy Framework

The Amendment supports:

- **Clause 15.01-5S** (Neighbourhood character) which seeks to recognise, support and protect neighbourhood character, cultural identity, and sense of place.
- **Clause 15.03-1S** (Heritage conservation) which seeks to ensure the conservation of places of heritage significance. Relevant strategies are:
 - 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.
- **Clause 21.03-4** (Heritage, landscapes and urban character) which seeks to ensure that development responds and contributes to its context and any relevant heritage significance by, among other strategies, conserving and enhancing heritage places. Two relevant implementation strategies at Clause 21.03-4.1 are:
 - Apply the Heritage Overlay to places of recognised State or Local heritage significance.
 - Apply Clause 22.06 Heritage.
- **Clause 22.06** (Heritage) which seeks to:
 - encourage the conservation and enhancement of all heritage places.
 - protect Moreland's heritage places from inappropriate demolition, development or subdivision.
 - ensure that buildings and works respect the significance of the heritage place as identified in the Statement of Significance.

2.2 Other relevant planning strategies and policies

(i) 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
 - **Policy 4.4.4:** Protect Melbourne's heritage through telling its stories.

2.3 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 and conduct works. The Heritage Overlay enables its Schedule to specify additional controls for specified 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.

2.4 Ministerial Directions and Practice Notes

Ministerial Directions

The Explanatory Report discusses how the Amendment meets the relevant requirements of:

- Ministerial Direction 9 (Metropolitan Planning Strategy)
- Ministerial Direction 11 (Strategic Assessment of Amendments)
- Ministerial Direction (The Form and Content of Planning Schemes pursuant to section 7(5) of The Act) (Ministerial Direction 7(5)).

That discussion is not repeated here.

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).

3 Strategic matters

3.1 Moreland thematic context

The *City of Moreland Thematic History*, May 2010 identifies themes and sub-themes which reflect Moreland's specific activities and historical processes that help explain and define the its particular character, identity and aspects of significance. The following themes and sub-themes are relevant to the Heritage Gap Study:

- **Theme 5: Farming the land**
 - 5.3 Farming in the twentieth century
- **Theme 6: Building Moreland's houses**
 - 6.3 Building during the boom
 - 6.4 Building houses in the twentieth century: Settlement schemes; War Service Homes Commission; Early Twentieth Century Estates
- **Theme 8: Building Moreland's industries and workforce**
 - 8.3 Expanding a manufacturing capacity
 - 8.4 Textile manufacturing.

3.2 Heritage Gap Study approach

The Heritage Gap Study was prepared by heritage consultants, Context, in two stages.

Stage 1

The Stage 1 study considered properties from a list prepared by Council, based on recommendations from earlier strategic heritage work, recommendations from Planning Panels, community nominations and council officer knowledge. It included over 400 individual places, 12 potential new precincts comprising 365 properties, and seven potential extensions to existing heritage precincts.

The study recommended that 148 individual places, three serial listings, 10 potential precincts and 10 potential extensions to existing heritage precincts be assessed in further detail through a Stage 2 study.

Stage 2

Methodology

The Stage 2 study assessed the recommended Stage 1 individual places and precincts to determine if they have sufficient local significance to justify the Heritage Overlay. The study applied the following methodology and actions:

- Australia ICOMOS *Charter for Places of Cultural Heritage Significance* (the Burra Charter) and its guidelines, in line with Heritage Victoria guidelines
- Planning Practice Note 1 (Applying the Heritage Overlay)
- Planning Panel reports and the Advisory Committee for the *Review of Heritage Provisions in Planning Schemes*, August 2007
- Guidelines for using the Hercon criteria and significance thresholds, Heritage Victoria and the Queensland Heritage Council
- Historic research – including primary and secondary sources

- Fieldwork – including on-site inspections of open space places and excluding internal inspections
- Comparative analysis which compared the proposed place or precinct with:
 - local area properties (Brunswick, Brunswick East, Brunswick West, Coburg and Pascoe Vale South) in the Heritage Overlay
 - properties in the Heritage Overlay in other parts of the municipality where there were insufficient local area comparative examples
- Recommendations to apply the Heritage Overlay – in line with Planning Practice Note 1
- Review of existing Heritage Overlay places.

Outcomes

The Stage 2 study confirmed that 81 places satisfied the threshold for local significance and 63 places did not. It resulted in the 2017 Heritage Gap Study report with detailed heritage citations.

(i) Finding

The Panel finds that the Heritage Gap Study has applied an appropriate methodology for initially identifying candidate sites and assessing whether they have sufficient local significance to justify the Heritage Overlay.

3.3 Policy support

(i) Evidence and submissions

Council submitted that the Amendment is consistent with relevant policies and strategies because it proposes to apply the Heritage Overlay to land identified in the Heritage Gap Study as having sufficient local significance to justify the Heritage Overlay. It explained that the land is recognised for its heritage value but is currently unprotected (beyond the interim Heritage Overlay). Council added that the Amendment will reinforce local planning policy by referencing the Heritage Gap Study in the Planning Scheme. It considered the Heritage Overlay to be the most appropriate mechanism for recognising and protecting the heritage significance of identified places and precincts.

(ii) Discussion and finding

Clause 15.03-1S of the Planning Policy Framework supports the Amendment because it seeks to conserve places of heritage significance. Council's approach to identifying, assessing and documenting places of heritage significance aligns with strategies sought in that clause. Similarly, direction 4.4 and associated policies 4.4.1 and 4.4.4 in Plan Melbourne also support the Amendment.

The Panel finds that the Amendment is consistent with relevant policies and strategies.

3.4 Site selection

(i) The issue

The issue is how excluding some properties identified in the Heritage Gap Study may affect the Amendment.

(ii) Evidence and submissions

Mr Duncan submitted that the Amendment does not propose to apply the Heritage Overlay to some places which were identified in the Heritage Gap Study to have local heritage significance. He considered that selectively applying the study's recommendations would undermine the integrity of the Amendment's basis. He referred to 3 Elm Grove, Brunswick East as an example of a place which was identified in the Heritage Gap Study but not included in the Amendment.

Mr Duncan requested that properties identified in the Heritage Gap Study be included in the Amendment. He noted that this may require the Amendment to be re-exhibited in a revised form.

At the Hearing, Ms Hicks of Counsel, representing the 32 David Street, Brunswick owner, presented numerous properties identified in the Heritage Gap Study which did not have the Heritage Overlay and did not form part of the Amendment. They included 228 Edward Street, Brunswick East and 59 Union Street, Brunswick.

(iii) Discussion

The Panel can appreciate why some of the properties identified at the Hearing, which were not recommended for the Heritage Overlay by the Heritage Gap Study, may be strong candidates for further assessment. At face value, some of these properties present themselves as superior examples when compared to some of the properties selected through the Study.

Site selection was relevant during the earlier stage of the Heritage Gap Study. At this stage of the process, the key considerations are whether the Amendment faithfully translates the recommendations of the Heritage Gap Study and whether each precinct, listing or place has sufficient heritage significance to justify the Heritage Overlay. Whether a particular property has been included or excluded, does not diminish the integrity of heritage places assessed through the Heritage Gap Study. Each place is assessed on its own merits and against comparable examples.

(iv) Findings

The Panel finds:

- The Amendment has included places, serial listings and precincts based on recommendations in the Heritage Gap Study.
- Excluding a place identified in the Heritage Gap Study from the Amendment:
 - does not affect the Amendment's strategic basis or its integrity
 - is a matter that can be considered through a separate process.

3.5 Property not identified in a previous study

(i) Evidence and submissions

Several submissions questioned why the Heritage Overlay was proposed for their property when no previous study considered them to be significant. Mr Helms gave evidence that a property can be significant even if the Heritage Overlay did not previously apply. He added that the Heritage Gap study was intended to identify such places. Council submitted:

The omission of this place in previous heritage studies is not relevant, as one of the purposes of the Heritage Gap Study was to identify and assess places that may not have been identified previously.

(ii) Finding

The Panel finds that whether a property was identified in a previous study is irrelevant to whether a place has sufficient local significance to justify the Heritage Overlay.

3.6 Conclusions

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

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

4 Common issues

This chapter considers issues which were common across submissions and are not repeated for a specific heritage precinct, serial listing or place later in this report. A heritage place is not specifically referred to later in this report if all issues for that place are discussed in this chapter.

4.1 Building condition and structural integrity

(i) The issue

The issue is how building condition is relevant when considering whether a place has sufficient local heritage significance to justify the Heritage Overlay.

(ii) Evidence and submissions

Numerous submissions objected to the Heritage Overlay being applied because they considered their dwelling to be in poor condition or without structural integrity. One submitter was concerned because their dwelling contained asbestos.

Council responded that structural integrity is irrelevant when determining whether a place has heritage significance. It added that building condition and structural integrity need to be considered at the planning permit stage because they relate to how the heritage is managed. Council referred to relevant sections of the following reports to support its submission:

- Review of the Heritage Overlay Provisions in Planning Schemes Advisory Committee
- Melbourne PSA C207 [2014] PPV
- Whitehorse PSA C140 [2011] PPV.

It also referred to Boroondara PSA C274 Part 2 [2018] PPV which stated:

The structural integrity of a building is a matter that is relevant to whether it can or should be retained. In the Panel's view this assessment should be undertaken by a suitably qualified professional and appropriately undertaken as part of the detailed assessment of a planning permit application.

(iii) Discussion and conclusions

The Panel agrees with Council's submission on this matter.

The Panel concludes that building condition and structural integrity:

- are not relevant when considering whether a place has sufficient local heritage significance to justify the Heritage Overlay
- are considered at the planning permit stage.

4.2 Development opportunity

(i) Background

The Heritage Overlay enables:

- a planning permit to subdivide land, demolish or remove a building, construct a building or construct or carry out works, or conduct other specified development
- no permit for anything which is done in accordance with the proposed Moreland Heritage Exemptions Incorporated Plan 2017.

(ii) The issues

The issue is how development opportunity is relevant when considering whether a place has sufficient local heritage significance to justify the Heritage Overlay.

(iii) Submissions

Eleven submissions considered that the Heritage Overlay would unreasonably affect the ability to develop their property.

Council submitted that the Heritage Overlay does not prohibit an existing building to be altered or demolished or a new building to be constructed. It acknowledged that the Heritage Overlay would introduce additional planning provisions and the need to apply for a planning permit application for certain buildings and works.

Council submitted that it needed to recognise places with identified heritage value and ensure that any new buildings or additions or alterations to existing buildings do not negatively impact on the heritage significance of a place. It added that *“any concerns relating to future redevelopment opportunities of heritage properties are immaterial to this stage of the planning process and more appropriately considered at the planning permit application stage”*. Council considered that La Trobe PSA C14 [2010] PPV and Glenelg PSA C89 [2018] PPV had consistent views with its submission.

(iv) Discussion

The Panel considers that the Amendment will not impact any development opportunities where an individual seeks to alter the building interior, or if what they are proposing is in accordance with the Moreland Heritage Exemptions Incorporated Plan 2017.

The Heritage Overlay does not prohibit development in other circumstances. It requires a planning permit so that a proposal’s potential impact on the heritage fabric can be assessed. Whether someone is affected will depend on whether they aspire to develop the land or the scale and nature of their development proposal. Unlike other Planning Scheme overlays, the Heritage Overlay does not include detailed provisions which remove development opportunities such as mandatory maximum building heights, minimum setbacks or other requirements.

Any development proposal can therefore be considered during the planning permit application process if someone seeks to develop the land, and when design and development details are known. At this stage of the planning process, the Amendment simply seeks to apply the Heritage Overlay to land identified in the Heritage Gap Study.

(v) Conclusion

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

4.3 Non-contributory place in a heritage precinct**(i) The issue**

Clause 22.06 applies the following definition:

Non-contributory place: A place or feature (e.g., buildings, structures, trees etc.) that do not make a contribution to the significance of a Heritage Place. In some instances, a Significant place may be considered *Non-contributory* within a precinct. For example, an important Modernist house within a Victorian era precinct.

The issue is whether the Heritage Overlay should apply to a non-contributory place in a heritage precinct.

(ii) Submissions

Submissions requested that the Heritage Overlay not be applied to the following properties which are in, but do not contribute to, their respective proposed or expanded heritage precinct:

- 76 Hickford Street, Brunswick West (Hickford Street Precinct)
- All non-contributory properties in the Tinning Street Precinct, Brunswick
- 116 Glenlyon Road, Brunswick (Ewing Street Precinct)
- 1, 13, 15 and 23 Woodlands Avenue, Pascoe Vale South (Coonans Hill Precinct)

Submitters considered that their dwelling had insufficient heritage significance because it was either too modern or altered to the point where it was no longer intact.

Council submitted that Clause 22.06 of the Planning Scheme supports demolition of a non-contributory place in a precinct if the replacement building, alterations and additions do not negatively affect the heritage significance of the existing heritage place.

(iii) Discussion

For the purpose of this discussion, the Panel refers to non-contributory places which are not significant to the heritage precinct. Where a place is located on the edge of a precinct, it may be appropriate to consider removing them. However, properties identified in submissions were all located well within the heritage precinct.

Existing policy enables a non-contributory building to be demolished subject to the new form being sympathetic to its surrounding precinct. Council's assessment is needed to ensure that new development achieves this outcome and does not diminish the precinct's significance. For these reasons, the Panel supports non-contributory places being retained within the Heritage Overlay where the redevelopment of the property has the potential to impact on the heritage values of the precinct or surrounding contributory properties.

Chapter 5 discusses other precinct-related matters such as whether contributory properties should be reclassified to non-contributory or removed from the Heritage Overlay.

(iv) Conclusion

The Panel concludes that the Heritage Overlay should apply to a non-contributory place in a heritage precinct to preserve the heritage values of the precinct or surrounding contributory properties.

4.4 Financial implications and property value**(i) The issue**

The issue is how property value and financial implications are relevant when considering whether a place has sufficient local heritage significance to justify the Heritage Overlay.

(ii) Submissions

Sixteen submitters opposed the Heritage Overlay being applied to their property because it may devalue their land or increase ongoing costs.

Council responded that property value and financial implications are not relevant economic matters when considering an amendment to the Planning Scheme. It considered financial implications to be more appropriately considered when seeking a planning permit. Council referred to Ballarat PSA C58 [2004] PPV where the Panel stated:

Panels have consistently held that whenever there may be competing objectives relating to heritage and other matters, the time to resolve them is not when the Heritage Overlay is applied but when a decision must be made under the Heritage Overlay or some other planning scheme provision. The only issue of relevance in deciding whether to apply the Heritage Overlay is whether the place has heritage significance.

Council referred to Moreland PSA C149 [2014] PPV and Glenelg PSA C89 [2018] PPV where both Panels considered that economic matters relate to the broader community rather than individual circumstances. It explained that the financial matters in submissions were expressed on a site-by-site basis and not at the broader community level.

(iii) Discussion

The fundamental basis of the Amendment is whether a place, serial listing or precinct has sufficient local significance to justify the Heritage Overlay. Individual property value and financial implications are not relevant. Irrespective, the Panel was not presented with information which supports the direct relationship between property value and the impact of applying the Heritage Overlay. This may be because there are different interrelated factors which determine property value, and it is difficult to identify a single attributing factor.

The extent of any financial impact depends on whether an owner proposes to develop their land, the scale and nature of development, and whether existing planning provisions in the Planning Scheme already require a permit to develop the land. For example, a person seeking to alter the inside of their building will not experience increased costs because the Amendment does not propose to require a permit for such development. A planning permit would also not be required for anything done in accordance with the proposed Moreland Heritage Exemptions Incorporated Plan 2017, as specified in the Heritage Overlay Schedule.

The Panel considers that the net community benefit of applying the Heritage Overlay to a place, serial listing or precinct which is significant to the local community would outweigh any financial impact on an individual property owner.

(iv) Conclusion

The Panel concludes that individual property value and financial implications are not relevant when considering whether a place has sufficient local heritage significance to justify the Heritage Overlay.

4.5 Proposed post-exhibition changes to heritage citations

Council provided tracked post-exhibition changes to the heritage citations in Appendix 5 of its Part A submission. The Panel reviewed the proposed post-exhibition changes when considering submitter issues. It agrees with these changes unless specified otherwise in this report.

(i) Recommendation

The Panel recommends:

Amend the heritage citations to reflect changes in Council's Part A submission Appendix 5 (Document 1) unless recommended otherwise.

5 Heritage precincts

5.1 Coonan's Hill, Pascoe Vale South Precinct (HO207)

(i) The issues

The Amendment proposes to extend the precinct-based Heritage Overlay (HO207) to permanently apply to properties on the southern side of Woodlands Street, between Walhalla and Carrington Streets, Pascoe Vale South. 1, 13 and 23 Woodlands Avenue, 47 Carrington Street and 48 Walhalla Street are non-contributory places.

The issues are whether it is appropriate to:

- extend the Coonan's Hill Precinct as proposed
- include 1 Woodlands Avenue as a non-contributory place in the Coonan's Hill Precinct (HO207)
- include 7 Woodlands Avenue as a contributory place in the Coonan's Hill Precinct (HO207).

(ii) Evidence and submissions

Owners of 1, 3, 5, 7, 9, 11, 13, 15, 19 and 23 Woodlands Avenue, Pascoe Value South signed a petition which objected to the Heritage Overlay being applied to their properties. The petition included the owners of 1 and 7 Woodlands Avenue, who also submitted individual submissions.

The 1 Woodlands Avenue owners opposed the Heritage Overlay being permanently applied to their property because the house was built in 2004 of modern cement and brick construction and has no heritage features.

The 7 Woodlands Avenue owners objected because they did not consider their current house to be of significant heritage architecture. They explained that their house was in poor condition and had been altered, and that they intended to demolish it so that they can build a new house. The other seven owners of contributory places argued that the Amendment will significantly devalue their homes but did not argue against their heritage status.

Mr Helms gave evidence about precinct boundaries and the heritage status of places. It was on *"the basis of fieldwork, further research and comparative analysis [that] Stage 2 identified additional precinct extensions for two precincts: HO60 Dawson Street and HO207 Coonan's Hill"*.

Mr Helms stated that the non-contributory place at 1 Woodlands Avenue should be included in the area for the sake of consistency and future management through the proposed incorporated plan which will introduce appropriate permit exemptions. He stated that the Interwar bungalow at 7 Woodlands Avenue, while altered, remains recognisably an example from the period of significance.

For these reasons, Council argued that the property at 1 Woodlands Avenue should be included as a non-contributory place and that the property at 7 Woodlands Avenue should be retained in the Amendment as a contributory place.

(iii) Discussion

Consistent with its findings in Chapter 3.2 that the Heritage Gap Study adopted an appropriate methodology, the Panel accepts Mr Helms' evidence that the precinct extension is justified.

The Panel discusses building condition and development opportunities in Chapter 4. It considers the inclusion of 1 Woodlands Avenue as a non-contributory place to be reasonable and equitable, as the redevelopment of this property could impact on the heritage values of the precinct. The Panel considers the house at 7 Woodlands Avenue, although altered, to be comparable to the other contributory places some of which are also altered.

(iv) Conclusions

The Panel concludes:

- It is appropriate to extend the Coonan's Hill Precinct (HO207) as proposed
- It is appropriate to include 1 Woodlands Avenue as a non-contributory place in the Coonan's Hill Precinct (HO207)
- It is appropriate to include 7 Woodlands Avenue as a contributory place in the Coonan's Hill Precinct (HO207).

5.2 Sumner Estate, Brunswick East Precinct (HO238)**(i) The issues**

The Amendment proposes to extend the Sumner Estate, Brunswick East Precinct Heritage Overlay (HO238) to permanently apply to 2 to 28 and 1 to 27 Lowan Street and 271 to 283 Glenlyon Road, Brunswick East. 1 and 16 Lowan Street are non-contributory places.

The issues are it is appropriate and justified to:

- designate 18 Lowan Street and 281 Glenlyon Road, Brunswick East as non-contributory places in the Heritage Overlay (HO238)
- include 271 Glenlyon Road in the Heritage Overlay (HO238).

(ii) Evidence and submissions**18 Lowan Street**

The 18 Lowan Street owners requested that their property be redesignated as non-contributory in the Heritage Overlay. They submitted that: the house is not in an Interwar style and was built in 1942; the structure is brick veneer; and it has no decoration. The building has been altered in a number of ways when viewed from the public realm.

After reviewing further information provided by the 18 Lowan Street owners about the 1942 construction date and alterations, Mr Helms considered that the house did not achieve the necessary threshold established by the other houses in the Precinct to justify a 'contributory' designation. Council adopted his evidence and agreed to redesignate the property to 'non-contributory'.

281 Glenlyon Road

The 281 Glenlyon Road owner requested that his property be redesignated as non-contributory in the Heritage Overlay. He considered that his property did not contribute to the precinct's heritage because it had:

- no cultural, natural, historical or technical significance
- no association with any particular community or cultural group, or with the life or works of a person or group of persons of importance in our history
- no integrity because of the extent of alterations.

The owner explained that the house was built in the 1950s and extended in 1958 and 1980. The 1980 alterations included demolishing the rear of the building, installing external roller shutters, installing imitation weatherboard in the front gable, adding metal railings to the fence and installing a front gate which does not suit the original style.

Mr Helms stated that, given the c.1950 construction date and the alterations described in the submission, it was appropriate to redesignate the property as non-contributory. Council adopted his evidence and agreed to redesignate the property.

271 Glenlyon Road

The 271 Glenlyon Road owner submitted that the property had no heritage significance to justify applying the Heritage Overlay. He explained that the existing building, particularly the Mediterranean style porch with arched openings, is in a poor state and beyond reasonable repair. He added:

The interwar bungalow style residences throughout the Sumner Estate precinct are so few the majority of which having been demolished or significantly altered/renovated that there is no cohesive contribution whatsoever to heritage value.

Mr Helms stated that the house was a fine and intact example of one the key types which made the precinct significant. It was very likely to be a pair with its neighbour. It contributed to the streetscape and its status as a contributory place should not be changed. Council adopted his evidence for this property.

(iii) Discussion

The Panel inspected all three places and checked their context within the proposed extension to the Sumner Estate Precinct. The proposed extension clearly has a coherent streetscape with consistent characteristics and strong associations that continued to develop historically despite war-time and immediate post-war alterations until all vacant lots were soon built on. The Panel notes that Peers Street was originally included in the proposed precinct extension but was excluded due to low integrity.

The Panel considers that the three properties specifically mentioned in submissions all contribute to the heritage values of the precinct and should be included in the precinct extension.

When considering 18 Lowan Street, the only photographs available to the Panel were those five included in Submission 15. The Panel is not convinced that: the house is not of a style typical of the Interwar period, not specifically Art Deco, and has no decoration; being built in 1942 rather than before 1940 is a fundamental flaw in the Study's assessment; and its brick

vener construction negates the assessment. Rather, the austerity of the design reflects the unusual date; the cream brick architraves of the windows are likely to be original; the brick veneer construction is typical of the period; and, apart from the aluminium window frames, the listed alterations are relatively minor and generally sympathetic. The construction of the last houses in 1942, after the hiatus of the Great Depression and then the outbreak of war, is mentioned in the Citation's history. It is the Panel's view that, notwithstanding the loss of the original windows, the scale, style, form, materials and general detailing of 18 Lowan Street do contribute to the significance the precinct and that it is part of its history, and the property should retain its designation of 'contributory' as exhibited. Similarly, all six houses in Glenlyon Road at the intersection of Lowan Street create an important sense of entrance into the precinct.

The Panel disagrees that the early 1950s construction date of 281 Glenlyon Road and its extension in 1958 preclude it from contributing to the precinct. It has the typical style, form, materials, detailing and setting of an Interwar dwelling. The 1958 extension could not have been more sympathetic. The 1980s alterations to the facade are both minor and reversible and those to the rear are not visible from the public realm. The dwelling can, in fact, be read with its eastern neighbour as a cornerstone to the precinct.

The Panel accepts the evidence of Mr Helms and the submission of Council that it is appropriate to include the property at 271 Glenlyon Road in the Heritage Overlay, and that its 'contributory' status should be retained, for the reasons given by Mr Helms.

The Panel notes the similar extension of the Ewing Street Precinct into Glenlyon Road, as recommended in Moreland PSA [2010] C78, which it supports.

(iv) Conclusions and recommendations

The Panel concludes:

- It is appropriate and justified to designate 18 Lowan Street and 281 Glenlyon Road, Brunswick East as contributory places in the Heritage Overlay (HO238)
- It is appropriate and justified to include 271 Glenlyon Road in the Heritage Overlay (HO238).

5.3 Hickford Street Precinct (HO543)

(i) The issue

The Amendment proposes a new Hickford Street Precinct Heritage Overlay (HO543) to permanently apply to 49-91 and 60-102 Hickford Street, Brunswick East. 63, 66, 68, 68A, 74, 79, 83, 89 & 89A Hickford Street and 6 Bellvue Street are non-contributory places.

The issue is whether it is appropriate and justified to include 76 Hickford Street in the Heritage Overlay (HO543).

(ii) Evidence and submissions

The 76 Hickford Street owners objected to the Heritage Overlay being applied to their property. They submitted that the house had 15-year-old awnings, nothing inside was more than 25 years old, it had no special features and is painted in a modern colour.

Mr Helms stated that the house was built in 1915 and characteristic of the period which made the precinct significant. He acknowledged alterations and extensions but in his opinion the house remains recognisably Edwardian and was a contributory place.

For this reason, Council agreed the status should not be changed from contributory to non-contributory.

(iii) Discussion

The Panel notes that the Amendment does not propose to apply internal planning controls to any property in the Hickford Street Precinct. The proposed Incorporated Plan is intended to minimise if not exempt the need for a planning permit for certain works which should assuage most of the owners' concerns. The Panel inspected 76 Hickford Street and compared it with non-contributory places in the precinct. On balance, the Panel believes that the alterations and additions are not sufficient to justify the redesignation of the place to non-contributory.

(iv) Conclusion

The Panel concludes that it is appropriate and justified to include 76 Hickford Street, Brunswick East as a contributory place in the Heritage Overlay (HO543).

5.4 Tinning Street Precinct (HO546)

(i) The issue

The Amendment proposes a new Tinning Street Precinct Heritage Overlay (HO546) to permanently apply to 82 to 136 and 95 to 155 Tinning Street, Brunswick. 90, 92, 96, 103 to 109, 104, 114, 115, 116, 120, 124, 125, 133 and 153 Tinning Street are non-contributory places.

The issues are:

- whether it is appropriate and justified to apply the Heritage Overlay (HO546) to the proposed Tinning Street Precinct
- whether 104 Tinning Street (comprising seven units) should be included in the Heritage Overlay (HO546).

(ii) Evidence and submissions

A submitter objected to the Heritage Overlay being applied as a precinct. He considered that the overlay should be applied only to contributory houses. He referred to 88 Tinning Street as an example of a building which has been significantly changed, including new aluminium windows and roofing.

The 3/104 Tinning Street owner objected to the Heritage Overlay being applied to the seven single storey units at 104 Tinning Street. He noted that the units were constructed in the 1970s. He did not object to the Heritage Overlay being applied to other properties proposed to be included in the precinct.

Mr Helms gave evidence that, while the house at 88 Tinning Street was less intact than others, it remained a recognisably symmetrical 'Victorian survival' house, the type which is

significant for the Precinct, and therefore justified a contributory grading. Concerning the units at 104 Tinning Street he stated that, as with the properties on either side and directly opposite, this property had been included in order to manage future development that could impact on the heritage values of the precinct. He added that the proposed Moreland Heritage Exemptions Incorporated Plan 2017 will introduce permit exemptions for non-contributory places.

For these reasons, Council agreed the status of 88 Tinning Street should not be changed from contributory to non-contributory and 104 Tinning Street should not be removed from the Amendment.

(iii) Discussion

The Panel acknowledges concern about the overall integrity of the precinct. The Amendment proposes the whole street as the Precinct which, to some extent, defines it well and holds it together.

Of the 57 addresses in the Precinct, 41 (about three quarters) are significant or contribute towards its significance. The remaining addresses comprise seven unit developments (12.25 per cent), six detached houses which appear to date from the 1970s (10.5 per cent), two much altered original houses (3.5 per cent) and one new 'contextual' house (1.75 per cent). Most buildings present to the street as separate single-storey dwellings. There is only one property with two-storey built form – a recent triple unit development with various building materials. The altered house at 88 Tinning Street and even the two non-contributory original houses could be restored. Finally, while not historic plantings, the street trees and some verge flowerbeds, soften and help to unite the streetscape. The large new apartment development at 74 to 80 Tinning Street, just beyond the Precinct boundary, on the other hand, is intrusive and demonstrates the need for a strong precinct boundary.

Regarding the units at 104 Tinning Street, the Panel accepts Mr Helms' evidence that the future redevelopment of this property could potentially impact on the heritage values of the precinct, and it is therefore appropriate to include it in the precinct as a 'non-contributory' property.

The Panel believes that sufficient fabric survives within the streetscape to justify the Precinct. Managing appropriate new development on the land occupied by non-contributory places is essential to maintain the heritage values of the precinct, and provides a framework for an equitable sharing of the benefits and responsibilities of being within a precinct.

(iv) Conclusion

The Panel concludes:

- It is appropriate and justified to apply Heritage Overlay (HO546) to the proposed Tinning Street Precinct
- The place at 104 Tinning Street (comprising 7 units) should be included in Heritage Overlay (HO546) as a non-contributory place.

5.5 Ewing Street Precinct (HO75)

(i) The issues

The Amendment proposes to:

- extend the Ewing Street Precinct Heritage Overlay (HO75) to permanently apply to 112-116 Glenlyon Road, Brunswick East
- designate these properties as contributory places.

The issues are whether it is appropriate and justified to include 116 Glenlyon Road, Brunswick East in the Heritage Overlay (HO75) and designate it as a contributory place.

(ii) Evidence and submissions

The 116 Glenlyon Road owner submitted that they supported the Amendment but would like their property to be excluded because it may impact their ability to renovate and extend the dwelling.

Mr Helms gave evidence that the background research to the proposed precinct extension confirmed that the Glenlyon Road properties were part of the same original subdivision as Ewing Street. He considered the house at 116 Glenlyon Road to be a good and relatively intact example of an asymmetrical Edwardian bungalow with typical detailing. His view was that it should be identified as a contributory building.

Council adopted Mr Helms' evidence and did not propose to exclude 116 Glenlyon Road from the Heritage Overlay or redesignate it to non-contributory.

(iii) Discussion

The Heritage Gap Study, which Council referred to in its submission, refers to Moreland Amendment C78. The Panel which considered Amendment C78 recommended that Council review the boundaries of the Ewing Street Precinct as soon as possible. The proposed extension to the Precinct has resulted from that work.

This Panel agrees with Mr Helms that the house at 116 Glenlyon Road should be included in the precinct extension and is appropriately identified as a contributory building.

(iv) Conclusion

The Panel concludes that 116 Glenlyon Road should be included in the Heritage Overlay (HO75) as a contributory place.

6 Heritage serial listings

6.1 Closer Settlement Houses Serial Listing (HO540)

The Amendment proposes to apply the Heritage Overlay (HO540), as a serial listing, to 16 houses constructed from about 1900 to about 1910 on four Closer Settlement estates.

6.1.1 18 Waxman Parade, Brunswick West

(i) The issue

The issues are:

- whether the HO540 Heritage Citation accurately reflects 18 Waxman Parade, Brunswick West
- whether it is appropriate and justified to apply the Heritage Overlay (HO540) to 18 Waxman Parade.

(ii) Evidence and submissions

The 18 Waxman Parade owner objected to the Heritage Overlay being applied because the property:

- does not closely reflect its original form following significant alterations
- is not in good condition
- does not contribute to the cultural history to the local area.

The owner considered that the building had been altered to the point where it had insufficient historical significance to justify the Heritage Overlay. She submitted that it appeared more like an Interwar or Post-war house than Victorian or Federation style because:

- roof tiles were added in the 1970s including modern aluminium strips
- the verandah was rebuilt in the 1970s including concreting at the front of the property
- the original outdoor toilet and washhouse and laundry have been demolished and replaced with indoor plumbing and a laundry
- the chimney has been significantly altered and does not function
- the original front fence has been removed and replaced with rocks
- the large front trees at the front of the property have been removed
- rooms have been added.

The owner submitted that the HO540 Heritage Citation inaccurately describes the building as being in good condition because its:

- roof is structurally deficient and can leak during heavy rain
- drains and downpipes are in disrepair
- foundation stumps lack structural integrity
- rear exterior walls are water damaged
- weatherboards are rotten and damaged.

The owner considered that the building did not contribute to the significance of the local area because of its alterations, poor condition and multiple land subdivisions.

At the Hearing, Ms Megan McCullagh represented the 18 Waxman Parade owner. She provided photographs which showed construction detail and material of the original verandah.

Mr Helms referred to the background of the serial listing, the significance of the houses overall and the specific significance of 18 Waxman Parade within the serial listing. He gave evidence that part of their significance was that the houses reflected different ownerships and were not standard designs. He explained how 18 Waxman Parade was typical of the period and the scheme. It exhibited several stages of development, at first a simple timber cottage to which additional rooms were added, including the grander, mock-ashlar¹ side extension. He remarked on the overall integrity notwithstanding certain changes including the iron tile roof and some modification of the verandah.

Mr Helms was sceptical about changes to the front and side verandahs. His view was that where there was change, such as at the side, it was sympathetic in manner using 'like for like' materials and detailing. He regarded other changes such as the rear extensions to be less significant. On a comparative basis, the house equalled those included in the serial listing and was more intact with a higher integrity than others which were excluded. His view was that its inclusion was appropriate.

(iii) Discussion

The Panel was assisted by its inspection of the property and the detailed photographs of the verandah presented by Ms McCullagh at the Hearing. It does not consider the building's alterations have compromised the integrity of the house. The western extension is significant as part of its historical sequence of development. The verandah, with its unusual woven metal frieze and brackets, remains substantially intact. The metal roof tiles are a superficial, cosmetic and reversible alteration.

It is reasonable to include a representative range of residential types in this serial listing to demonstrate the diversity of owners, different successes and failures, and the lease being converted into a freehold. There is a subtle difference between the contribution of a representative place to a serial listing and the generally accepted contribution (or not) by a place to a precinct. The Closer Settlement properties stand out in their streetscapes as older places within the surrounding late Interwar development.

(iv) Conclusions

The Panel concludes:

- The HO540 Heritage Citation accurately reflects 18 Waxman Parade, Brunswick West.

¹ a type of finely worked masonry

- It is appropriate and justified to apply the Heritage Overlay (HO540) to 18 Waxman Parade, Brunswick West.

6.1.2 32 and 34 Passfield Street, Brunswick West

(i) The issue

The issue is whether it is appropriate and justified to apply the Heritage Overlay to 32 Passfield Street, Brunswick West.

(ii) Evidence and submissions

The 32 Passfield Street owners, who also own 34 Passfield Street, made an initial submission generally about proper process and the lack of street presence of the property. They made a subsequent submission, through SJB Planning, which provided further details about their objection based on an independent heritage assessment by Mr Peter Barrett. Specifically:

- the original house was much altered
- later subdivision had distorted the setting and context of the house
- the house was now concealed from the public realm.

Mr Barrett's assessment included photographs.

Mr Helms gave evidence that, with the benefit of Mr Barrett's assessment and further comparative analysis by Context Pty Ltd, he considered that the house did not achieve the threshold established for the other houses in the Closer Settlement Houses Serial Listing. Mr Helms recommended that the Citation for the Closer Settlement Serial Listing be amended to remove reference to 32 Passfield Street.

Council adopted Mr Helm's evidence and proposed to no longer apply the Heritage Overlay to 32 Passfield Street and to remove the property from the Heritage Gap Study.

(iii) Discussion

The Panel considers that the context of the original house has been seriously compromised. While of some interest as the only brick example of a Closer Settlement house identified in Moreland, the building fabric of the house is seriously compromised, demonstrated by Mr Barrett's photographic evidence. The place is no longer an appropriate representative example for demonstrating the significance of the serial listing. Other houses in the street included in HO540 are better representative examples.

(iv) Conclusions and recommendations

The Panel concludes:

- It is not appropriate and justified to apply the Heritage Overlay to 32 Passfield Street, Brunswick West.
- The HO540 Heritage Citation should be revised to remove 32 Passfield Street, Brunswick West.

The Panel recommends:

Amend the Heritage Overlay Schedule to:

- a) delete reference to 32 Passfield Street, Brunswick West in the HO540 (Serial listing)

Amend the Heritage Overlay map to:

- a) remove 32 Passfield Street, Brunswick West.

Amend the following heritage citation:

- a) HO540 (Serial listing) to remove 32 Passfield Street, Brunswick West.

6.2 War Services Homes (Brick) Serial Listing (HO541)

6.2.1 17 Glenora Avenue, Coburg

(i) The issue

The issue is whether it is appropriate and justified to apply the Heritage Overlay (HO541) to 17 Glenora Avenue, Coburg.

(ii) Evidence and submissions

The 17 Glenora Avenue owners objected to the Heritage Overlay (HO541) being applied to the property because it had been altered. Specifically, the original terracotta roof tiles were replaced with concrete tiles and the face brickwork was painted.

Mr Helms' evidence was that 17 Glenora Avenue, Coburg is an intact example of a war service home. He stated that the alterations were limited to the painted brickwork and the cement tiles which are a sympathetic alteration and may, in fact, be original. He recommended that the Heritage Citation be updated to include reference to cement as well as terracotta tiles as an original building material.

Council adopted Mr Helms's evidence and continued to support the Heritage Overlay being applied to 17 Glenora Avenue.

(iii) Discussion

The Panel does not consider the alterations to have compromised the integrity of the house. It is a part of the original subdivision and, with its neighbours, it creates a sense of entrance which is further enhanced by the houses on the north side of Glenlyon Road which terminate the view out of Ewing Street.

The Panel agrees that the Heritage Citation should reference cement (or concrete) roof tiles which were available in Melbourne from the beginning of the twentieth century and in the 1920s.

(iv) Conclusions and recommendation

The Panel concludes:

- It is appropriate and justified to apply the Heritage Overlay to 17 Glenora Avenue, Coburg.

- The HO541 Heritage Citation should be revised to accurately describe the building materials used at 17 Glenora Avenue, Coburg.

The Panel recommends:

Amend the following heritage citation:

- a) **HO541 (17 Glenora Avenue, Coburg) to reference the cement (or concrete) roof tiles and painted face brickwork.**

6.2.2 19 Glenora Avenue, Coburg

(i) The issue

The issue is whether it is appropriate and justified to apply the Heritage Overlay (HO541) to 19 Glenora Avenue, Coburg.

(ii) Evidence and submissions

The 19 Glenora Avenue owners objected to the Heritage Overlay (HO541) being applied to the property. Their submission included a building report by JNR Builders dated 10 January 2019 which stated that the building had broken roof tiles and structural failure. The owners considered the house to be irreparable.

Mr Helms' evidence was that 19 Glenora Avenue is a fine and intact example of a war service home and a unique design in Moreland. He agreed that the condition of the house was poor but not beyond repair. Nor did it require so much work that too much original fabric would be lost in the repair. Council's building department reviewed the building's condition and acknowledged the work needed but concluded that the house was repairable. It noted that the report represented the opinion of a domestic builder and not a structural engineer.

Council adopted Mr Helms' evidence and continued to support the Heritage Overlay being applied to 19 Glenora Avenue.

(iii) Discussion

The Panel agrees that the building condition is poor. The foundation movement leading to cracks in walls mentioned in the report is common to properties in the area and a leaking roof is likely to cause rot. The Panel notes that the house is substantially intact and retains a high degree of integrity. The unique design is of interest in a program which otherwise relies on variations of standard designs. Repairs to the house which do not change the fabric of the building, so called 'like-for-like', do not require a planning permit. More substantial interventions may. The Heritage Overlay would enable necessary repair works to be made within the context of the building's heritage significance.

For completeness, the Panel notes that the report by JNR Builders mentions terracotta tiles but includes a photograph of broken concrete tiles.

(iv) Conclusions

The Panel concludes that it is appropriate and justified to apply the Heritage Overlay (HO541) to 19 Glenora Avenue, Coburg.

6.2.3 31 Glenora Avenue, Coburg

The 31 Glenora Avenue owner objected to the Heritage Overlay (HO541) being applied to the property. Her reasons related to those in Chapter 4 and did not relate to the property's heritage significance.

Mr Helms gave evidence that the form and detailing of the house were typical of war service homes and it was a relatively intact example of the 'Floating Gable' type. He considered the proposed listing to be justified. Council adopted Mr Helms' evidence and continue to support the Heritage Overlay being applied to 31 Glenora Avenue.

The Panel accepts Mr Helm's evidence and notes that the building is intact and has a high degree of integrity.

The Panel concludes that it is appropriate and justified to apply the Heritage Overlay (HO541) to 31 Glenora Avenue, Coburg.

6.3 War Service Homes (Timber) Serial Listing (HO542)

6.3.1 183 Stewart Street, Brunswick East

(i) The issues

The issues are:

- whether it is appropriate and justified to apply the Heritage Overlay (HO542) to 183 Stewart Street, Brunswick East
- whether the HO542 Heritage Citation accurately reflects the serial listing.

(ii) Evidence and submissions

Mr Lanarus of Human Habitats represented the owners of 183 Stewart Street, Brunswick East at the Hearing. He challenged the veracity of the War Service Homes Commission's association with the house, other than through a mortgage over the property. He submitted that so many were constructed in Victoria that only exceptional examples should be protected under the Heritage Overlay and not those in poor condition or altered. He added that numerous alterations, which he listed, have compromised the aesthetics of the house, all the more so because of the corner site. The house is in very poor structural condition. The cost of upgrading the house to a higher environmental efficiency, a key objective of the Planning Scheme, would be significant and would further erode the integrity of the house.

Mr Helms gave evidence that the alterations were to secondary elevations and that the facade and side elevation remained intact. Further research confirmed that the house was a standard war service home design. He considered the three versions of the standard timber 'Floating Gable' type to be significant. The houses at 5 Akeroa Avenue and 230 Stewart Street are other examples.

Council adopted Mr Helms' evidence and continued to support the Heritage Overlay being applied to 183 Stewart Street.

(iii) Discussion

Further research has confirmed beyond doubt that 183 Stewart Street, Brunswick East is a war service home and that it is representative of an early stage of the program. During its inspection, the Panel noted the minor alterations and additions and agrees with Mr Helms that they do not compromise its intactness and integrity. It also agrees that the three versions of the standard timber 'Floating Gable' are significant, along with other standard designs in timber and brick.

Mr Lanarus' submission prompted the Panel to inform itself. It is agreed that the original owner was a George Waterhouse. Two men named George Waterhouse and another called Edward George Waterhouse enlisted to fight in the Great War and embarked at Melbourne

in 1915, 1916 and 1917.² This is evidence that it is highly likely that the house was associated with the War Service Homes Commission.

(iv) Conclusions and recommendation

The Panel concludes:

- It is appropriate and justified to apply the Heritage Overlay (HO542) to 183 Stewart Street, Brunswick East.
- The HO542 Heritage Citation should reference the first owner's enlistment.
- In the next heritage review, HO542 in Volume 1 of the Heritage Gap Study should be revised to correctly describe the current status of the heritage place and to reference the first owner's enlistment.

The Panel recommends:

Amend the following heritage citation:

- a) **HO542 (War Service Homes (Timber) Serial Listing) to reference the war enlistment of the first owner of 183 Stewart Street, Brunswick East.**

6.3.2 1 Temuka Avenue, Brunswick East

(i) The issues

The issue are:

- whether it is appropriate and justified to apply the Heritage Overlay (HO542) to 1 Temuka Avenue, Brunswick East
- whether the HO542 Heritage Citation accurately describes 1 Temuka Avenue, Brunswick East.

(ii) Evidence and submissions

The 1 Temuka Avenue owners submitted that:

- there was doubt about the Heritage Gap Study's early identification and inclusion of the place in the serial listing
- it has been altered
- it is a variant not a standard design.

They added that, while the Commonwealth once owned the land to provide housing for returned soldiers, there was no evidence the first owner of the house was a returned soldier. Arguments were also led including the observation that there were no heritage controls over neighbouring properties which were altered war service homes and that intrusive development has already occurred.

² <https://www.awm.gov.au/collection/C1378317>

Mr Helms gave evidence that the main alteration made in 2003, the first-floor addition, was recessive and reasonably sympathetic and that the facade remained relatively intact with the characteristic form and detailing of a war service home. He acknowledged that the place was erroneously excluded from the Heritage Gap Study. Further research confirmed that the house was a standard war service home design. The three versions of the standard timber 'Timaru type' are significant. Mention of 5 Timaru Street as a variant of the type was inadvertently omitted in the Citation which needs to be corrected. The houses at 157 and 159 Stewart Street are much altered examples.

Council adopted Mr Helms' evidence and continued to support the Heritage Overlay being applied to 1 Temuka Avenue.

(iii) Discussion

Further research has confirmed beyond doubt that 1 Temuka Avenue, Brunswick East is a war service home and that it is representative of an early stage of the program. The Panel inspected the property and noted the first-floor side elevation additions and agrees with Mr Helms that they do not compromise its intactness and integrity. It also agrees that the three versions of the standard timber 'Timaru type' are significant, along with other standard designs in timber and brick.

The Panel agrees that the original owner was Lancelot Edward Day, Service Number 785, who enlisted to fight in the Great War in the 6th Australian Infantry Battalion and embarked at Melbourne on the 19th October 1914.³

(iv) Conclusions and recommendation

The Panel concludes:

- It is appropriate and justified to include 1 Temuka Avenue, Brunswick East in the Heritage Overlay.
- The HO542 Heritage Citation should reference 5 Timaru Street, which was inadvertently omitted.
- In the next heritage review, HO542 in Volume 1 of the Heritage Gap Study should be revised to correctly describe the current status of the heritage place and to reference the first owner's enlistment.

The Panel recommends:

Amend the following heritage citation:

- a) HO542 (War Service Homes (Timber) Serial Listing) to reference the war enlistment of the first owner of 1 Temuka Avenue, Brunswick East.**

³ <https://www.awm.gov.au/collection/C1378317>

7 Heritage places

7.1 206-210 Barkly Street, Brunswick (HO458)

Exhibited Statement of significance



What is significant?

The terrace houses at 206-210 Barkly Street, Brunswick, constructed in 1886-87 by Charles Barningham, a local brickmaker, are significant.

How is it significant?

The terrace houses at 206-210 Barkly Street, Brunswick are of local historical and representative significance to the City of Moreland.

Why is it significant?

They are of historical significance as evidence of speculative housing erected as rental accommodation for working-class people during the 'Boom' era of the 1880s, which was a period of rapid development of Brunswick. Many of these houses were built by local brickmakers using their own bricks, sometimes to provide housing for their workers, but evidently it seems also to promote their product. These houses were built and owned by local brickmaker Charles Barningham of the Barningham and Lacey Brickyard, which was located on the north side of Barkly Street.

(Criterion A)

It is significant as a representative example of a terrace row with a shared hip roof that demonstrates the lack of fire separation that characterised most of the terrace houses constructed in Brunswick prior to the late 1880s. Most of the surviving examples are in pairs and this is one of the few examples of three houses or more.

(Criteria B & D)

(i) The issues

The issues are:

- whether it is appropriate and justified to apply the Heritage Overlay (HO458) to 206-210 Barkly Street, Brunswick
- whether the HO458 Heritage Citation accurately reflects the place at 206-210 Barkly Street, Brunswick.

(ii) Evidence and submissions

The owners of 206-210 Barkly Street, Brunswick made separate submissions but on common grounds objecting to the Heritage Overlay. The 210 Barkly Street owner subsequently represented them at the Hearing. He used photographs and other graphics to support the submissions, specifically concerning the proposed development immediately to the west of the terrace. The principle arguments were that the scale and context of Barkly Street had changed in recent years, the slate roof and bi-chrome brickwork were not special, the building was in poor structural condition and there was considerable alteration, particularly to 206 Barkly Street. The owners explained that the shared roof space was a problem because of poor acoustics, thermal performance and fire risk.

The 210 Barkly Street owner detailed the proposed three-storey development across the lane to the west at 212 Barkly Street. He pointed out that the existing building, a similar brick single-storey terrace house, was not protected by the Heritage Overlay and that the new apartment block would overwhelm their houses.

Mr Helms gave evidence that the context of the terrace within the streetscape was not critical to the individual significance of the place. The slate roof and its continuous form are part of the overall significance of the place. He considered that the extent of building alterations did not diminish its integrity below the necessary threshold. Mr Helms supported the Heritage Overlay being applied.

Council adopted Mr Helms' evidence and continued to support the Heritage Overlay being applied to 206-210 Barkly Street, Brunswick.

(iii) Discussion

During its inspection, the Panel observed recent development in the surrounding area and the owners' submission informed the Panel of what was proposed immediately to the west. The Panel acknowledges the potential impact of the proposed demolition and redevelopment of 212 Barkly Street which does not have the Heritage Overlay. The foundation movement leading to cracks in walls referred in the submission is common to properties in the area.

However, on balance, the Panel agrees with Mr Helms that the heritage significance of the building justifies applying the Heritage Overlay. The integrity of the surviving fabric of the terrace outweighs the limited alterations to the eastern house, which are reversible. While it acknowledges the potential impact of the development at 212 Barkly Street on the building, it agrees with Mr Helms that the building's context within the streetscape does not diminish from its individual significance.

(iv) Conclusions

The Panel concludes:

- It is appropriate and justified to apply the Heritage Overlay (HO458) to 206-210 Barkly Street, Brunswick
- The HO458 Heritage Citation accurately reflects the place at 206-210 Barkly Street, Brunswick.

7.2 233-239 Brunswick Road, Brunswick (HO462)

Exhibited Statement of significance



What is significant?

The terrace at 233-239 Brunswick Road, Brunswick, constructed by Chivers & Gorer in 1888 for John Chivers is significant.

How is it significant?

The terrace at 233-239 Brunswick Road, Brunswick, is of local historical, representative and aesthetic significance to the City of Moreland.

Why is it significant?

It is significant as evidence of the speculative housing erected in Brunswick during the 'Boom' period of the late 1880s and especially of the grander houses built in the more salubrious southern end of Brunswick on the main thoroughfares of Brunswick Road and Park Street, close to the Carlton/Parkville border and parklands.

(Criterion A)

It is significant as fine and well-detailed example of a Victorian era terrace row in the Italianate style. The terrace has typical form and detailing including the ornate balustraded parapet, with a decorated pediment centred over each dwelling and ball finials; a dentil cornice below the parapet and a two-level cast iron verandah, which retains much of the original delicate cast iron frieze and brackets, and cast iron fluted verandah posts with Corinthian capitals, and tessellated tile floors. Of note is the treatment of the ground floor façade, which features banded rustication, deep rendered hood moulds and impost moulds around window and door openings, and deeply recessed four panelled timber entry doors with side and highlights.

(Criteria D & E)

(i) The issue

The issue is whether it is appropriate and justified to apply the Heritage Overlay (HO542) to 233-239 Brunswick Road, Brunswick.

(ii) Evidence and submissions

The 233-239 Brunswick Road owners objected to the Heritage Overlay being applied because:

- it would conflict with the existing Design and Development Overlay Schedule 18 (DDO18)
- it would significantly impact on the future streetscape of this section of Brunswick Road
- the terraces were not included in any previous heritage studies, and have questionable architectural and historical significance.

Mr Helms gave evidence that, in a comparative analysis, the terrace met the threshold for local significance for its history and architecture. He considered the terraces had significant heritage fabric, were intact and had a high degree of integrity.

Council adopted Mr Helms' evidence and continued to support applying the Heritage Overlay to 233-239 Brunswick Road, Brunswick.

(iii) Discussion

The Panel sees no conflict between the purposes of the Design and Development Overlay and the Heritage Overlay and notes that, rather, the two controls are intended to operate together. It agrees that not including a place in an earlier Study is not a reason to exclude the place again, especially from a Gap Study. The terrace of four houses is a fine example of its type. It accepts Mr Helms' evidence that significant fabric survives substantially intact and with high integrity. It should contribute to the future streetscape of this section of Brunswick Road.

(iv) Conclusion

The Panel concludes that it is appropriate and justified to apply the Heritage Overlay (HO462) to 233-239 Brunswick Road, Brunswick.

7.3 32 David Street, Brunswick (HO466)

Exhibited Statement of significance



What is significant?

The house at 32 David Street, Brunswick, built c.1870 for (and probably by) Thomas Delahunty, a brickworker and labourer, is significant.

The timber front fence, the timber framed carport and post 1950 additions to the cottage are not significant.

How is it significant?

The house at 32 David Street, Brunswick, is of local historical and representative significance to the City of Moreland.

Why is it significant?

It is historically significant as one of the oldest surviving houses in Brunswick and provides tangible evidence of the early development of this part of Brunswick, which was part of merchant David Blair's 1868 subdivision that created David Street and neighbouring Blair, Eveline, Lydia and Laura streets. It was one of a series of early dwellings built in David Street prior to 1871 and is now one of only few to survive. It is also significant as a rare representative example of the brick cottages constructed for (and probably by) owners employed in the local brickmaking industry, using local bricks. The simple, unpretentious gabled form is characteristic of these early cottages.

(Criteria A, B & D)

The house has significance for the potential to provide further information about the early bricks produced in Brunswick and the vernacular building techniques used by the original owner/builders.
(Criterion C)

(i) The issues

The issues are:

- whether the HO466 Heritage Citation accurately describes 32 David Street, Brunswick
- whether it is appropriate and justified to apply the Heritage Overlay (HO466) to 32 David Street, Brunswick.

(ii) Evidence and submissions

The 32 David Street owner objected to the Heritage Overlay being applied to the property because it had insufficient historical and architectural significance and the alterations to the dwelling were more significant than as described in the Heritage Citation. The first owner, as a brickmaker in Brunswick, was not inherently important historically. The 1870 context and date of construction were not so early that an individual listing is deserved. A representative sample of early cottages was already included in the Heritage Overlay, all with higher integrity, such as 373 Albert Street, Brunswick (HO7). The comparative rarity of a few examples of early cottages did not justify listing an inferior example and this example was not locally significant as an example of a specific building type.

Ms Hicks, representing the owner, presented 26 photographs of cottages which might be comparative examples and referred to Planning Practice Note 1. She noted that there had been several iterations of the Statement of Significance suggesting a struggle to establish the building's significance. She discussed the importance of a sound comparative analysis, thresholds and gradings, existing listings setting standards, the dangers of comparators and qualifiers, and ultimately the need to test the significance of place against the Hercon criteria for it to cross the threshold of individual local significance. Ms Hicks referred to previous Panel decisions, specifically about gap studies, comparative analyses, representativeness, intactness and rarity. She concluded that the brick cottage at 32 David Street failed to meet the threshold of local significance and, therefore, the Heritage Overlay should not be applied.

Ms Hicks called expert heritage evidence from Mr Raworth of Bryce Raworth Pty Ltd. In his evidence, Mr Raworth provided information about the original building materials, especially the bricks, their poor quality, how they were used and damaged, and their current condition. He considered that there was a strong possibility that the cottage was once rendered.

Mr Raworth stated that he conducted an onsite inspection which enabled him to identify the many alterations and additions, such as the verandah and rear wing. He discussed the three versions of the Statement of Significance, including the shifting Hercon criteria used to assess the significance, and focus on the exhibited version (Criteria A, B & D and Criterion C). He stated that the building's alterations alone are sufficient to not apply the Heritage Overlay. He drew a parallel with 36 King Street, Fitzroy North where Council opted to no longer apply the Heritage Overlay after the owner provided information about the extent of alterations. Mr Raworth reviewed the claim for local historical significance, playing down the link with the David Blair estate, the common occupation of the original occupant as a brickmaker, and the lack of evidence that its owner, Thomas Delahunty, built the house himself from cheap bricks.

Mr Raworth undertook an extensive comparative analysis of cottages in the broader Brunswick area, that is, spreading east and west from Sydney Road and just north of Albion Street. The examples comprised 22 photographs of buildings, some of which were already identified individually, in precincts or not at all. He discussed a small number of other examples either on the Victorian Heritage Register, and therefore of State significance, or referred to in the Amendment and not yet determined to be significant. The examples ranged in date from the mid-1850s through to about 1890. He used these examples to explore the relative rarity of surviving brick cottages in Brunswick, concluding that there were probably few built in the first place. Quoting Heritage Victoria's *Criteria and Threshold guidelines for identifying places of state significance*, he also highlighted the danger of using qualifiers to subdivide a class into smaller and smaller groups, creating a false sense of rarity. He discussed the Hercon criteria and tools for testing them. He argued that *"there is simply no case to be made that the subject site meets these Step Two threshold considerations in terms of either historical interest, technological or representative interest"*.

He concluded by stating that in his view *"the house at 32 David Street, Brunswick is neither of sufficient integrity and intactness nor sufficient historical and representative significance to warrant an individual Heritage Overlay control as proposed"*.

Mr Helms gave evidence that 32 David Street was correctly assessed as a cottage. This building type had not been 'subdivided' or 'narrowly defined' as suggested by Mr Raworth. He said the cottage was representative of its type. Brickmaking was an important industry in Brunswick and the house was associated with the industry as the home of a brickmaker. The form of construction using bricks demonstrated this association. He considered it rare to have surviving houses in Brunswick which were constructed around 1871. He explained only two of 14 houses from this era survive in David Street – one of which is 32 David Street. His view was that significant rarity (Criterion B) may emerge through attrition. Mr Helms stated that overall, the cottage, given its age, retains sufficient integrity to justify the Heritage Overlay.

Mr Helms supported the Heritage Overlay being applied to 32 David Street. He acknowledged that he had not conducted an onsite inspection and agreed that, in the light of new information, the Heritage Citation should be updated to more accurately describe the place and its integrity.

Council adopted Mr Helms' evidence and continued to support the Heritage Overlay being applied to 32 David Street. It supported changing the HO466 Heritage Citation to more accurately reflect the place.

(iii) Discussion

The Panel notes that there is general agreement about the history of the place and its surrounding area, the type of cottage it is with its vernacular form, and the materials used in its construction. As Ms Hicks said, by the end of the Hearing, there was much more agreement between the experts about the present state of the fabric.

Mr Helms, who gave his evidence without the benefit of an onsite inspection, acknowledged the changes made to the place but said the Heritage Overlay should still apply.

Close inspection of the fabric shows how much it has been altered. The brickwork, perhaps the most important element of the fabric, is extensively damaged from several causes including inappropriate repairs. The verandah and its floor are mostly new. The front door and window sashes are new. There are substantial alterations and additions at the rear beyond the skillion. It is generally agreed the building's integrity has been seriously compromised.

The principle difference between the expert witnesses concerns the association between the cottage and the important industry of brickmaking in Brunswick, that is, its representativeness and the relative rarity of the place. The effect of rarity through attrition is particularly relevant in two cases in the Amendment – this place and 2 McLean Street, Brunswick West (discussed in Chapter 7.5). The types of place could not be more different but the arguments for and against rarity are similar. The Panel considers that the loss of cottages in David Street has not affected the significance of the rarity for 32 David Street.

The discussion about comparative examples is interesting. The closest comparative examples to 32 David Street are the pair of brick cottages at 63 and 65 Union Street, best described as fraternal twins, which are the same type, built only about a year later, occupied by brickmakers and possibly built by their occupants who were related.

Having regard to the comparative examples mentioned, the Panel believes that so much of the significant fabric of the brick cottage at 32 David Street, Brunswick has been compromised that it no longer demonstrates the claimed association with the local brickmaking industry that other, more intact examples still do.

(iv) Conclusions and recommendations

The Panel concludes:

- HO466 Heritage Citation does not accurately describe 32 David Street, Brunswick
- It is not appropriate and justified to apply the Heritage Overlay (HO466) to 32 David Street, Brunswick.

The Panel recommends:

Amend the Heritage Overlay Schedule to:

- a) **delete the HO466 (32 David Street, Brunswick) listing**

Amend the Heritage Overlay map to:

- a) **remove 32 David Street, Brunswick.**

7.4 16-18 Glenlyon Road, Brunswick (HO476)

Exhibited Statement of significance



What is significant?

The terrace houses at 16 and 18 Glenlyon Road, Brunswick, built c.1878, are significant. Non-original alterations and additions and the front fences are not significant.

How is it significant?

The terrace houses at 16 and 18 Glenlyon Road, Brunswick, are of local historical, representative and aesthetic significance to the City of Moreland.

Why is it significant?

Historically, they are among the oldest surviving houses in this part of Brunswick and provide rare evidence of the development of Brunswick in the period prior to the development boom of the 1880s. (Criterion A)

They are significant as representative examples of mid-Victorian era terrace houses. This is demonstrated by the simple form and plain detailing, almost completely devoid of the elaborate applied ornament that came to characterise the houses of the late Victorian period. The bi-chrome brickwork detail is also quite restrained when compared with the bold intricate patterns seen in later examples. Also notable is the unusual semi-detached form with small side setbacks to the front section of the houses (later terraces were usually built out to both boundaries) and the tall and ornate terracotta chimneys with crown tops. (Criteria D & E)

(i) The issue

The issue is whether it is appropriate and justified to apply the Heritage Overlay (HO476) to 16 and 18 Glenlyon Road, Brunswick.

(ii) Evidence and submissions

The 16 Glenlyon Road owner objected to the Heritage Overlay being applied to the pair of terrace houses because:

- they do not compare well with 24 and 26 Glenlyon Road and with 28 and 30 Glenlyon Road
- the extent of alterations has negatively affected their significance and made them non-identical.

Mr Helms noted the alterations at 16 and 18 Glenlyon Road and compared the terrace houses with others referred to in the submission. He considered that this pair has a much higher level of integrity than the others at 24 and 26 Glenlyon Road and at 28 and 30 Glenlyon Road, which have lost most of their original features. He emphasised the rare relatively early date of construction, and concluded in support of the listing:

While there are many attached Victorian terrace houses within the HO there are fewer that date prior to 1880 and that is the basis for the significance of this pair. This early date of construction is reflected in the simple form and restrained detailing, as well as the shared roof.

Council adopted Mr Helm's evidence and continued to support the Heritage Overlay being applied to 16 and 18 Glenlyon Road.

(iii) Discussion

The Panel inspected all three pairs of terrace houses in Glenlyon Road, Brunswick and is aware of the trio of terrace houses at 206, 208 and 210 Barkly Street, Brunswick. 16 and 18 Glenlyon Road are a relatively intact pair of terraces and most of the alterations are superficial. On balance, the integrity of the surviving fabric outweighs the changes that have been made, which are limited to the western house and are not irreversible. Applying the Heritage Overlay would enable any future alterations to the terraces to be considered within the context of their heritage significance through the planning permit process.

(iv) Conclusions

The Panel concludes that it is appropriate and justified to apply the Heritage Overlay (HO476) to 16 and 18 Glenlyon Road, Brunswick.

7.5 2 McLean Street, Brunswick West (HO491)

Exhibited Statement of significance



What is significant?

The house, constructed in 1942 by R.N. Bone for the Housing Commission of Victoria, at 2 McLean Street, Brunswick West is significant.

Non-original alterations and additions are not significant.

How is it significant?

The house at 2 McLean Street, Brunswick West is of local historic and representative significance to the City of Moreland.

Why is it significant?

It is significant as evidence of the first estates constructed by the Housing Commission of Victoria and of the importance of Brunswick as an area where the Commission built many of the first metropolitan estates.

These early estates are important as they demonstrate the continuing experimentation by the Commission with different house types and construction techniques during the first years of its operation in order to determine the most efficient and economical way of meeting Melbourne's housing shortage.

This house is notable as it formed part of the first estate of detached timber houses erected by the Commission in the metropolitan area.

These early designs led to the development of other timber house types in the following years and also signalled the beginning of the move away from duplex house types to detached houses, which would form the vast majority of the housing built by the Commission in the post-war period.

(Criterion A)

This house also demonstrates the simple and economical designs of early Commission houses. The significance of the house is enhanced by its rarity values as one of the few examples of these detached timber houses to survive.

(Criteria B & D)

(i) The issues

The issues are:

- whether the HO491 Heritage Citation accurately reflects the place at 2 McLean Street, Brunswick West
- whether it is appropriate and justified to apply the Heritage Overlay (HO491) to 2 McLean Street, Brunswick West.

(ii) Evidence and submissions

The daughter of the 2 McLean Street owner, who occupies the property, objected to the Heritage Overlay being applied because:

- the house did not meet the necessary threshold of significance
- the house lost its context after similar neighbouring houses were demolished
- many similar houses survive elsewhere.

Mr Helms acknowledged that 4 McLean Street had been demolished. He agreed that its demolition has diminished the ability of the remaining house to demonstrate the historic significance of the original group of houses. He considered that the timber houses within the HO124 Newlands Estate better demonstrate this aspect of the Commission's history, rather than this now isolated example. He did not mention the history of occupation and ownership specific to this house. Mr Helms was prepared to abandon the proposed listing.

Council adopted Mr Helms' evidence and proposed to no longer apply the Heritage Overlay to 2 McLean Street, Brunswick West.

(iii) Discussion

The Amendment proposes to apply the Heritage Overlay to 2 McLean Street as an individual place – neither part of a precinct or part of a serial listing. It is not related to any group place other than on a comparative basis.

As mentioned in Chapter 7.3, two properties in the Amendment raise the question of rarity through attrition – this place and 32 David Street, Brunswick. In this case, Mr Helms and Council argued against an increase in significance because of the loss of similar neighbouring buildings and because of the existence other similar detached timber houses in the Newlands Estate, whereas in the case of 32 David Street, they argued for an increase in significance (rarity) due to the loss of similar building types through attrition.

The Newlands Estate, in the north-east of the municipality and a considerable distance away from 2 McLean Street, developed from open fields into one of the largest Housing Commission of Victoria estates in Victoria, with a very wide range of building types, materials and construction dates. Commenced in 1940, it continued to develop into the early 1950s and remains substantially intact with a high degree of integrity. Its scale allowed for the implementation of the most advanced town planning theory. Not surprisingly, the Newlands Estate is in the Heritage Overlay (HO124) and is considered to be of State significance.

Mr Helms and Council did not establish that the "*similar*" buildings in the Newlands Estate were from the same, very early date of 1942 or that identical examples survived there. For

example, there are no buildings which use fibro-cement sheets above a weatherboard dado in a pared back Arts and Crafts style, like the house at 2 McLean Street. The Panel considers that the claim in the 'Why' part of the Statement of Significance that "*This house is notable as it formed part of the first estate of detached timber houses erected by the Commission in the metropolitan area*" still stands.

The small cluster of Commission houses centred on 2 McLean Street, in the south-west of the municipality, tells a different history, according to the Citation, from the Newlands Estate. The land was associated first with the Closer Settlement Scheme. It was developed with a house but that was subsequently demolished. The land reverted to the municipality and remained vacant through the Great Depression. The advent of war brought new pressures for housing. This modest detached timber house and then a few others were built as a small cluster. Ernest Henry Haywood, an aircraft fitter, moved in and made it a family's home. The Panel is impressed by the continuity of occupation and, from very early on, ownership by the Haywood family across three generations. This seems to be one reason for the intactness of the house and its remarkable integrity. Mr Helms and Council did not refute this aspect of why the place is significant.

The loss of three similar houses through attrition and the recent demolition of 4 McLean Street has increased the rarity of the sole survivor of the cluster. Unlike 32 David Street, Brunswick, it is remarkably intact with very high integrity. Consequently, the Panel considers that 2 McLean Street meets the threshold for local significance for Criteria B and D. It also meets the threshold for Criterion A. It may meet Criterion H, as proposed in an earlier version of the Heritage Gap Study, because of its "*Special association with the life and works of a person, or group of persons, of importance in our history*", namely clients of the Housing Commission of Victoria.

(iv) Conclusions

The Panel concludes:

- The HO491 Heritage Citation accurately reflects the place at 2 McLean Street, Brunswick West.
- It is appropriate and justified to apply the Heritage Overlay (HO491) to 2 McLean Street, Brunswick West.
- In the next heritage review, HO491 in Volume 1 of the Heritage Gap Study should be revised to amplify the first owner's history of the place.

7.6 1 South Daly Street, Brunswick West (HO497)

Exhibited Statement of significance



What is significant?

The house, constructed by 1910, at 1 South Daly Street, Brunswick West is significant. Also significant is the tessellated tiled path and the remnants of an early front fence. Non-original alterations and additions are not significant.

How is it significant?

The house at 1 South Daly Street, Brunswick West is of local historic, representative and aesthetic significance to the City of Moreland.

Why is it significant?

It is significant as one of the early houses in this part of Brunswick West and provides evidence of the limited suburban development prior to World War I. (Criterion A)

It is significant as representative example of an early concrete house dating from prior to World War I and demonstrates how many adopted relatively conservative or old-fashioned architectural styles. Many of the other earlier examples of concrete houses have been demolished and this example is enhanced by its rarity values.

Consequently, it has potential to provide further information about early concrete construction techniques.

(Criteria B, C & D)

It is significant as an intact and well-detailed house that demonstrates the transition from the Victorian to Edwardian styles through details such as the paired eaves brackets and string course, the heavily corbelled chimneys with terracotta pots, the four panel front door with sidelights and coloured glass top light, the cast iron verandah with frieze and brackets and tessellated tile floor (with a matching tessellated tile path), the half-timbering to the gable end, and the incised decoration to the barge boards (that is repeated in the verandah fascia).

It is complemented by a rare example of original tessellated tile path and the remnant of an over-scaled rendered front fence.

(Criterion E)

(i) The issue

The issue is whether the fence controls in the Heritage Overlay Schedule (HO497) should apply to the remnant of the front fence at 1 South Daly Street, Brunswick West.

(ii) Evidence and submissions

The 1 South Daly Street owner supported the Heritage Overlay being applied to the property. However, he objected to fence controls being applied in the Heritage Overlay Schedule. He submitted that the fence has no footing, about two-thirds of it has been demolished, the metal reinforcing is badly corroded, and the concrete is in very poor condition.

Mr Helms gave evidence that *“the remaining section of fence is in poor condition”*. He agreed that front fence controls in the Heritage Overlay Schedule are not required for the property. Council adopted Mr Helms’ evidence and proposed to no longer apply the fence controls.

(iii) Discussion

The Panel agrees with Mr Helms that the fence is in poor condition and its integrity has been compromised by the loss of the majority of the fence’s heritage fabric. The fence controls should not apply.

(iv) Conclusion and recommendation

The Panel concludes that fence controls in the Heritage Overlay Schedule (HO497) should not apply to the remnant of the front fence at 1 South Daly Street, Brunswick West.

The Panel recommends:

Amend the Heritage Overlay Schedule to:

- a) change ‘Yes’ to ‘No’ in the *Outbuildings or fences which are not exempt under Clause 43.01-3* column in the HO497 (1 South Daly Street, Brunswick West) listing.

7.7 63-65 Union Street, Brunswick (HO499)

Exhibited Statement of significance



What is significant?

The brick cottages at 63 and 65 Union Street, Brunswick, constructed c.1871-72 for (and probably by) two Irishmen, Patrick O'Halloran and Michael Conlon, who were both labourers and brickmakers employed in the local brickworks, are significant.

Non-original alterations and additions and the front fences are not significant.

How is it significant?

The brick cottages at 63 and 65 Union Street, Brunswick, are of local historical and representative significance to the City of Moreland.

Why is it significant?

They are of historical significance as tangible evidence of the early development of this part of Brunswick as an area for working-class housing.

They are an example of the simple brick cottages constructed in and around the clay pits and brickworks of Brunswick in the pre-1870 period by workers employed in the brickmaking industries.

They are also of historical significance as rare evidence of the area of formerly known as 'Irishtown', due to the concentration of working-class Irish residing in this quarter of Brunswick.

(Criteria A & B)

They are significant as representative examples of early Victorian cottages in Brunswick, being modest in detail, small in size, and of local brick construction.

The significance is enhanced by their survival as a pair.

(Criterion D)

They are significant for the potential to provide further information about the early bricks produced in Brunswick and the vernacular building techniques used by the original owner/builders.

(Criterion C)

(i) The issues

The issues are:

- whether the HO499 Heritage Citation accurately reflects the place at 63 and 65 Union Street, Brunswick
- whether it is appropriate and justified to apply the Heritage Overlay (HO499) to 63 and 65 Union Street, Brunswick.

(ii) Evidence and submissions

The 63 Union Street owner spoke to his written submission and photographs at the Hearing. He was concerned that the Citation was equivocal about materials, historical facts, the comparative analysis and the building's integrity. He emphasised that the two cottages were not a pair. The owners of 65 Union Street made a similar written submission.

Mr Helms gave evidence that both 63 and 65 Union Street were of local historical and representative significance. 65 Union Street appears to have been previously rendered, with the render now removed and 63 Union Street has lost its chimney. Otherwise, the alterations seen from the street are minor. He acknowledged the need to correct errors in the Heritage Citation and to remove the recommendation to replace the front fence of 65 Union Street.

Council adopted Mr Helms' evidence and continued to support the Heritage Overlay being applied to 63 and 65 Union Street.

(iii) Discussion

The Panel is not concerned that the two cottages should be considered as a pair, as fraternal rather than identical twins, because their general and specific histories were so similar for so long. The claims in the Statement of Significance that the bricks were local and the original owners were the builders, are reasonable and supported by more detailed information elsewhere in the Citation. Sufficient original fabric survives to provide information about the early vernacular construction.

Mr Helms did not mention the brick cottage at 32 David Street, Brunswick in his written evidence as a comparative example but it is included in the Heritage Citation and was mentioned at the Hearing. The Panel believes these two brick cottages are more intact and have a higher degree of integrity than 32 David Street (discussed in Chapter 7.3). Their historical associations are also stronger.

The Panel agrees with Mr Helms and Council that this pair does meet the threshold for local significance and it agrees with the proposed corrections to the Heritage Citation.

(iv) Conclusions and recommendation

The Panel concludes:

- The Heritage Citation should be amended to accurately reflect the place at 63 and 65 Union Street, Brunswick.
- It is appropriate and justified to apply the Heritage Overlay (HO499) to 63 and 65 Union Street, Brunswick.

The Panel recommends:

Amend the following heritage citation:

- a) **HO499 (63 and 65 Union Street, Brunswick) to correct errors in the Heritage Citation and to delete the recommendation to replace the front fence of 65 Union Street.**

7.8 273 Victoria Street, Brunswick (HO502)

Exhibited Statement of significance



What is significant?

The former scout hall at 273 Victoria Street, Brunswick, is significant.

How is it significant?

The former Scout Hall at 273 Victoria Street, Brunswick, is of local historical and social significance to the City of Moreland.

Why is it significant?

The former Scout Hall at 273 Victoria Street, Brunswick, built in 1926, is historically significant for its associations with the Boy Scout movement, as the oldest purpose-built scout hall in the City of Moreland and one of the oldest in Victoria.

The hall was built for the 1st City of Brunswick Scout Troop as their first permanent hall and it remained in use by the scouts until the 1960s.

The scouting movement played an important role in the lives of young boys in the twentieth century, and this hall demonstrates the formative period after World War I when the scouting movement had become established and troops began to create permanent places to meet.

While the building has been altered the connection to the scouts is still demonstrated by the original foundation stone.

(Criterion A)

The building at 273 Victoria Street, Brunswick, is socially and historically significant as evidence of postwar migration in Brunswick, for its use since 1979 as the home of the Toscana Social Club.

Social clubs played an important role in the formation of migrant communities in Victoria and the Toscana Club was one of several established in Brunswick that illustrate the strong regional ties of various migrant groups.

Social clubs provided a welcome respite from the drudgery of work and gave people an opportunity to meet, talk, dance, gossip and reminisce.

(Criteria A & G)

(i) The issues

The issues are:

- whether the HO502 Heritage Citation accurately reflects the place at 273 Victoria Street, Brunswick
- whether it is appropriate and justified to apply the Heritage Overlay (HO502) to 273 Victoria Street, Brunswick.

(ii) Evidence and submissions

The Toscana Social Club's submission confirmed a meeting between Council staff and the Club in November 2018 when the Club advised that *"the building ... had been totally gutted in 2006 so that basically only the front wall remained standing"*. Consequently *"everyone present at the meeting agreed that the Heritage Overlay should only apply to the first five (5) metres of the building ..."*.

At the Hearing, the Club reiterated the claim that the building had been 'built anew' apart from the facade. It confirmed the earlier agreement that only the facade and, in particular, the plaque was of heritage value. It offered to give the plaque to Council. The Club departed from its original submission by requesting that the Heritage Overlay only apply one metre from the building façade or not at all.

The Club submitted that it would need to spend approximately \$125,000 to repair recent cracks in the south-east corner of the building. The Club considered the present location to be unviable and it proposed to sell the building so that it can use the proceeds to purchase new premises elsewhere. In response to questions from the Panel, the Club said that it preferred no Heritage Overlay so that it could maximise property value.

Mr Helms acknowledged the alterations and low integrity claimed by the Club and confirmed the agreement that only the front 5 metres of the building should be included in the Heritage Overlay. In response to questioning by the Panel, he said that the building interior was not inspected and that no interiors of buildings had been inspected as part of the Heritage Gap Study.

Council submitted that it supported the Heritage Overlay 5 metres from the façade because it would retain the western stepped side wall.

When questioned by the Panel about the differing east and west setbacks, Council offered to check the distances. In its Part C Submission, Council confirmed that the setback on the west elevation was about 9 metres, rather than 5 metres as on the east elevation. It continued to not support the Club's proposal to restrict the Heritage Overlay to only one metre from the façade because that would result in 'facadism' – an outcome discouraged by Clause 22.06 of the Planning Scheme.

(iii) Discussion

The Panel agrees that much of the significance of the place is from its historical and social associations over three major periods which is not refuted by the Toscana Social Club. The Citation does not claim the place to be of aesthetic (architectural) significance (Criterion E).

The Panel inspected the property externally on all sides. It noted that the facade was much altered from its period as a Scout Hall, and subsequently as a cinema when the facade was extended and possibly rendered, and then as the Club. The Citation explains the sequence of development well.

The Panel's observations on its site inspection confirmed that the form of the building, its details and much of its external fabric, other than the facade, are still largely intact and the rear alterations are sympathetic, if functional.

The Heritage Overlay should be applied to the entire property so that Council can assess any proposal to demolish or develop parts of the site within the context of the entire place. Applying the Heritage Overlay to a small portion of the property may result in unintended consequences such as losing significant heritage fabric without proper assessment. Applying the Heritage Overlay to only 5 or 9 metres from the façade is likely to encourage 'facadism'.

Council would benefit from inspecting the building interior to look for evidence of the second period of occupation as a cinema, for example, a projection room, emergency exits and other functions. This would determine whether internal controls should be applied.

(iv) Conclusions

The Panel concludes:

- The HO502 Heritage Citation accurately reflects the place at 273 Victoria Street, Brunswick
- It is appropriate and justified to apply the Heritage Overlay (HO502) to the entire place at 273 Victoria Street, Brunswick.

7.9 19 Balmoral Avenue, Brunswick East (HO510)

Exhibited Statement of significance



What is significant?

The house at 19 Balmoral Avenue, Brunswick East, constructed in 1926, is significant. The front fence is sympathetic but is not significant.

Non-original alterations and additions are not significant.

How is it significant?

The house at 19 Balmoral Avenue, Brunswick East, is of local representative and aesthetic significance to the City of Moreland.

Why is it significant?

It is significant as an intact and well-detailed example of a Californian Bungalow, with characteristic form including the dominant gable fronted roof with projecting minor gable and the flat-roofed verandah with arched opening, and detailing to the gable ends including timber shingles to the minor gable, while the lower part of the main gable is batted, with timber shingles inset with a decorative vent grill and resting upon modillions to the upper portion.

Built by a bricklayer, it is notable for the quality of the brickwork detailing to the low-slung rendered arch and across the front façade, which includes the use of two colour face brickwork and soldier brick courses and rounded brick edging at the threshold to the tiled verandah.

Other original details of note include the leadlight to the upper sashes of the windows.

(Criteria D & E)

(i) The issue

The issue is whether it is appropriate and justified to apply the Heritage Overlay (HO510) to 19 Balmoral Avenue, Brunswick East.

(ii) Evidence and submissions

The owner of 19 Balmoral Avenue, Brunswick East did not consider the house to be particularly significant and that there were other similar houses in Moreland. He submitted that heritage precincts should be protected – not individual places. He did not comment on the Citation.

Mr Helms gave evidence that the place was of local representative and aesthetic significance, specifically *“as an intact and well-detailed example of a Californian Bungalow, with typical form and detailing, which is notable for the quality of the brickwork detailing”*.

Council adopted Mr Helms’ evidence and continued to support the Heritage Overlay being applied to 19 Balmoral Avenue.

(iii) Discussion

The Panel considers the property to have a very high degree of intactness and integrity and agrees with Mr Helms that 19 Balmoral Avenue is a representative and fine example of a Californian Bungalow.

(iv) Conclusion

The Panel concludes that it is appropriate and justified to apply the Heritage Overlay (HO510) to 19 Balmoral Avenue, Brunswick East.

7.10 159-165 Donald Street, Brunswick East (HO511)

Exhibited Statement of significance



What is significant?

The former Prestige Limited textile mill at 159-165 Donald Street, Brunswick East, built between 1922 and 1925 and comprising a subsidiary company, Johnson Bros silk hosiery manufacturers, is significant.

How is it significant?

159–165 Donald Street, Brunswick East, is of local historical, representative and aesthetic significance to the City of Moreland.

Why is it significant?

The former Prestige textile mills at 159–165 Donald Street, Brunswick East, built c.1922-25, is historically significant as one of the first, and certainly one of the largest textile mills in the City of Moreland, where hosiery and clothing manufacturing was a major land use during the interwar period.

Brunswick and Coburg were the centre of the Australian hosiery industry with Prestige and Holeproof providing the largest component of this for over thirty years.

The former Prestige mill is historically significant for the high quality of their products, their export trade and enterprising approach up until their takeover by Dunlop Australia in 1968 and the discontinuation of the brand in 1978. The former Prestige textile mills exist as a tangible relic of the textile industry in the City of Moreland.

(Criterion A)

Prestige and Johnston Bros. Pty. Ltd, hosiery and silk hosiery manufacturers combined operations at the Donald Street mill between 1922 and 1925 and are historically significant as a major employer (especially of women) through the Depression years.

The importance of the textile industry is demonstrated by the Commonwealth decentralisation policy that saw textile and clothing mills offered incentives to open in many regional centres and country towns during the 1930s-1950s; with Prestige opening in Shepparton, Horsham and Ararat.

(Criterion A)

The former Prestige mill at 159-165 Donald Street, Brunswick East, is an excellent example of a large industrial complex that retains a considerable area of industrial building, some of which has been adapted for other industries. Unlike many other industrial complexes, the Prestige mill still retains large areas of the factory under saw tooth roofs with characteristic side elevations showing the roof and wall profiles to achieve clerestory glazing.

(Criterion D)

The former Prestige mill is aesthetically significant for its consistent rendered façade with simple detailing across the three buildings. Whilst each one has been altered through the insertion of different windows, roof form or an additional floor, the austere Interwar classicism remains to connect each building as once part of the same business. The site is aesthetically significant for the views down two driveways that it affords of the vast expanse of sawtooth roofed building form bordered by masonry walls, either in their original unpainted state or painted.

(Criterion E)

(i) The issues

The issues are:

- whether the HO511 Heritage Citation accurately reflects the place at 159, 161 and 165 Donald Street, Brunswick East
- whether it is appropriate and justified to apply the Heritage Overlay (HO511) to 159, 161 and 165 Donald Street, Brunswick East.

(ii) Evidence and submissions

Three of the total owners of 159, 161 and 165 Donald Street, Brunswick East objected to the Heritage Overlay being applied because they considered that the place did not have historic, representative or aesthetic significance. They submitted that the properties were in a changing precinct where development was envisaged.

The owners considered that the properties failed to meet the necessary threshold for local significance when compared to other examples and because of extensive alterations and additions. They added that the Heritage Overlay would conflict with rezoning and redevelopment proposals already underway.

Mr Vassiliadis appeared at the Hearing and spoke, he said, on behalf of all three owners but said he had a particular association with one owner. He provided some background about the present occupation of the individual sites, and the owners' collaboration with Council exploring the future development of the complex. He acknowledged its history, character and a broad acceptance of the adoption of the Heritage Overlay. However, stressing the need for more certainty, he said the owners needed more detail, a clearer definition of the extent of what is significant and some direction, even recommendations about redevelopment.

When asked by the Panel, Mr Vassiliadis said that a Conservation Management Plan would be useful for the site. He added that the Heritage Overlay could remain if Council offered meaningful recommendations about potential redevelopment.

Mr Helms acknowledged recent changes to the fabric including the loss or modification of much of the roof of 159 Donald Street and the addition of a first floor and changes to the window openings and glazing at 165 Donald Street. He stated that the comparative analysis included examples which were significantly altered and others which *"have been almost completely demolished due to redevelopment"*. He agreed that the Statement of Significance could be amended and suggested an alternative version which modified or rearranged parts of the 'Why' section of the Statement of Significance. The key change was substituting *"a representative example of a large interwar industrial complex, built in stages"* for *"an excellent ..."*.

Council adopted Mr Helms' evidence and continued to support the Heritage Overlay being applied to 159, 161 and 165 Donald Street.

(iii) Discussion

The Panel accepts generally the revised Statement of Significance. It agrees that the place meets the threshold for local historical significance (Criterion A) but suggests retaining the sentence:

Prestige and Johnston Bros. Pty. Ltd, hosiery and silk hosiery manufacturers combined operations at the Donald Street mill between 1922 and 1925 and are historically significant as a major employer (especially of women) through the Depression years.' should be retained.

The Panel agrees that the place meets the threshold for local representative significance (Criterion D). It inspected the complex from several positions, noting its mixed context but also the adjacent industrial buildings, especially to the north including the former Spicers Paper Mills, 1 Moreland Road, Coburg (HO117). The Panel noted the changes which had been made to the fabric of the Prestige and Johnston buildings, particularly the replacement of much of the saw tooth roof of 159 Donald Street with an extra storey, the extra storey and new windows of the facade of 161 Donald Street and the new windows in the facade of 165 Donald Street. There is also common detailing across the three facades. The saw tooth roofs survive in part at 161 Donald Street and entirely at 165 Donald Street. The lane between them is quite intact and runs deep into the site as the eastern elevation.

On balance, the Panel believes that sufficient form, fabric and context remains to justify the Heritage Overlay for local aesthetic significance (Criterion E).

The Panel acknowledges the cooperative comments made by Mr Vassiliadis on behalf of the owners. The owners should pursue a Conservation Management Plan in consultation with Council to:

- better understand what is and isn't significant
- produce meaningful recommendations about managing the complex
- provide more certainty about the potential for redevelopment (noting that it is appropriate to retain the Heritage Overlay as a framework within the broader strategic planning process).

(iv) Conclusions and recommendation

The Panel concludes:

- The HO511 Heritage Citation accurately reflects the place at 159, 161 and 165 Donald Street, Brunswick East but should be revised to include Council's post-exhibition changes. The Panel's preferred version is at Appendix B.
- It is appropriate and justified to apply the Heritage Overlay (HO511) to 159, 161 and 165 Donald Street, Brunswick East.
- A place of this scale and nature would benefit from a Conservation Management Plan in consultation with Council and the owners.

The Panel recommends:

Amend the following heritage citation:

- a) **HO511 (159-165 Donald Street, Brunswick East) to include changes shown in Appendix B.**

7.11 23 Holmes Street, Brunswick East (HO512)

Exhibited Statement of significance



What is significant?

The house at 23 Holmes Street, Brunswick East, built in 1918, is significant. The front fence is also significant. Non-original alterations and additions are not significant.

How is it significant?

The house and front fence at 23 Holmes Street, Brunswick East, is of local representative and aesthetic significance to the City of Moreland.

Why is it significant?

It is significant as a representative example of the transitional housing style known as the Federation Bungalow, which combined elements of the Federation-era 'Queen Anne' style and the Interwar 'Californian Bungalow style.

The style emerged in the years immediately following World War I, prior to the emergence of the divergent styles of the interwar era.

(Criterion D)

The brick dwelling at 23 Holmes Street, Brunswick East, combines characteristics typical of the Federation 'Queen Anne' style (a steeply pitched roof pyramidal roof form, tiled roof with terracotta finals and ridge capping, half timbering to the projecting gable, a curved bay window with leadlight to the casement windows, and casement windows with leadlight) with characteristics more typical of the Californian Bungalow style (generous enclosed verandah with broad arched openings, tapered rendered columns over heavy brick pillars, and a half brick wall across the front).

Chevron pattern brick detailing is notable to the brick wall and the front fence.

(Criterion E)

(i) The issue

The issue is whether it is appropriate and justified to apply the Heritage Overlay (HO512) to 23 Holmes Street, Brunswick East.

(ii) Evidence and submissions

The owner of 23 Holmes Street, Brunswick East submitted that there was a conflict between Council's identified heritage places and its promotion of modern development. She emphasised the effect of increasingly intrusive development on the character and liveability of the place. Holmes Street is inappropriate for the Heritage Overlay because it is too busy. She considered the Heritage Overlay better suited to quieter locations where the public can appreciate the places more. There were other similar houses in Moreland already identified. The owner did not comment on the Heritage Citation.

Mr Helms gave evidence that the place was of local representative and aesthetic significance. He agreed that references to 'Holmes Road' in the Citation should be corrected.

Council adopted Mr Helms' evidence and continued to support the Heritage Overlay being applied to 23 Holmes Street, Brunswick East.

(iii) Discussion

The Panel considers the building to have a very high degree of intactness and integrity and it agrees with Mr Helms that 23 Holmes Street is a representative example of a Federation Bungalow combining elements of the 'Queen Anne' style and the Interwar 'Californian Bungalow style. It acknowledges the isolation of HO512, the busy traffic and surrounding development. However, these do not detract from the individual significance of the place to justify not applying the Heritage Overlay.

(iv) Conclusion

The Panel concludes that it is appropriate and justified to apply the Heritage Overlay (HO512) to 23 Holmes Street, Brunswick East.

7.12 36 King Street, North Fitzroy (HO535)

Exhibited Statement of significance



What is significant?

The concrete house at 36 King Street, North Fitzroy, built 1926-27, is significant. Non-original alterations and additions are not significant.

How is it significant?

The concrete house at 36 King Street, North Fitzroy is of local historic and representative significance to the City of Moreland.

Why is it significant?

It is significant as an intact interwar bungalow, which is of note for its concrete construction. While not an early example, it is believed to be an example of the 'Monolyte' system and demonstrates the continuing development of concrete house technology in the 1920s. The house is also of note for its high degree of intactness, which includes rare surviving examples of Malthoid shingles to the gable ends.

(Criteria A, B and D)

(i) The issues

The issues are:

- whether the HO535 Heritage Citation accurately reflects the place at 36 King Street, North Fitzroy
- whether it is appropriate and justified to apply the Heritage Overlay (HO535) to 36 King Street, North Fitzroy.

(ii) Evidence and submissions

The 36 King Street owner objected to the Heritage Overlay being applied to the property. They considered that the house had been substantially altered, was no longer intact and had insufficient heritage significance. The owner submitted that:

- the small windows in the gables at the front and rear are not original
- the front verandah has had:
 - its timber floor replaced with concrete
 - the lower sections of its posts replaced with red-brick blocks [piers]
- a new metal security gate, with various motifs, was installed at the entrance
- the timber front door and glass panel, both with yellow-amber glass, were installed in the early 1970s
- the original roof was removed and replaced with terracotta tiles
- the rear roofline has been altered
- at the rear of the house:
 - the concrete wall was removed to enable a weatherboard extension
 - the back verandah was enclosed, and its roof removed
- on the southern elevation, two window openings were enlarged to enable new windows installed
- on the northern elevation, in about 2000:
 - two windows were installed in new openings
 - metal frames were installed to reinforce the building structure.

In response to questions from the Panel, Mr Helms said that he reviewed the owner's list of alterations against existing photos and did not revisit the property. Nor did he check building permit records to confirm what and when alterations had happened. He added that his recommendation to no longer apply the Heritage Overlay to 36 King Street was on the assumption that claims by the owner were accurate.

Council adopted Mr Helms' evidence and no longer supported the Heritage Overlay being applied to 36 King Street.

(iii) Discussion

The Panel agrees with the Heritage Gap Study's assessment about the significance of the place, specifically as an example of concrete construction and especially as a relatively late private domestic example. The Panel inspected 36 King Street and noted its high degree of intactness and integrity from the public realm. The small windows in the gables, the front security gate, the new windows in the south elevation, the enclosed rear porch and the changed rear roofline, for example, are minor and reversible changes. Loss of some of the original concrete wall at the rear may be a more serious alteration. The Panel is sceptical that the terracotta roof is new and, if it is a replacement, it is sympathetic. It disagrees with Mr Helms' assessment that the alterations are so substantial and detrimental to what is significant about the place that it fails to meet the threshold of local significance to justify the Heritage Overlay.

The Panel believes that there is sufficient justification to apply the Heritage Overlay. Not including 36 King Street in the Amendment would leave a significant place unprotected.

(iv) Conclusions and recommendation

The Panel concludes:

- The HO535 Heritage Citation should be revised to accurately reflect the place at 36 King Street, North Fitzroy.
- It is appropriate and justified to apply the Heritage Overlay (HO535) to 36 King Street, North Fitzroy.
- The affected owner should be notified before progressing the Amendment with 36 King Street, North Fitzroy.

The Panel recommends:

Amend the following heritage citation:

- a) **HO535 (36 King Street, North Fitzroy) to identify alterations – the small gable windows, front security gate, new windows in the south elevation, enclosed rear porch and the changed rear roofline.**

7.13 1/197 The Avenue, Coburg (HO547)

(i) The issue

The issue is whether it is appropriate and justified to apply the Heritage Overlay (HO547) to 1/197 The Avenue, Coburg.

(ii) Evidence and submissions

The owner of 1/197 The Avenue, Coburg submitted that the property, a heavily modified late nineteenth Century dwelling, was included in the Amendment in error, noting that it was not included in the interim heritage controls applied in January 2019 by Amendment C173. The owner agreed with the Heritage Overlay being applied to the bluestone outhouse at 2/197 The Avenue.

Council's Part C Submission clarified how the Heritage Overlay was never intended for the site and that it was inadvertently included due to a mapping error. Council concluded that the Heritage Overlay should not apply to 1/197 The Avenue, Coburg.

Mr Helms addressed 1/197 The Avenue in Appendix A of his written evidence. The error in the mapping of the interim heritage controls was acknowledged and he recommended the removal of the dwelling at 1/197 The Avenue from the Amendment and the Heritage Gap Study.

(iii) Discussion

At its site inspection, the Panel was not able to determine the boundary of 197 The Avenue or the context of the buildings from the public realm. Details in Council's Part C Submission, including a useful map, clearly shows that the Heritage Overlay was never intended for this property.

The Panel accepts Council's submission that the Heritage Overlay should not apply to 1/197 The Avenue, Coburg.

(iv) Conclusion and recommendation

The Panel concludes that it is not appropriate or justified to apply the Heritage Overlay to 1/197 The Avenue, Coburg.

The Panel recommends:

Amend the Heritage Overlay Schedule to:

- a) delete the HO547 (1/197 The Avenue, Coburg) listing**

Amend the Heritage Overlay map to:

- a) remove 1/197 The Avenue, Coburg.**

Appendix A Document list

No.	Description	Provided by
29 April 2019		
1	Council Part A submission	Council
30 April 2019		
2	Expert Witness Statement – David Helms	Council
3	Expert Witness Statement – Bryce Raworth	Olivia Natoli of Equipe Natoli Lawyers
4	Submission – Toscana Social Club Inc	Mr Paoli
6 May 2019		
5	Council Part B submission	Council
6	Photographs – examples comparative with 32 David Street, Brunswick	Ms Hicks
7	Submission – 32 David Street, Brunswick owner	Ms Hicks
8	Submission – 63 Union Street, Brunswick owner	63 Union Street owner
9	Submission – 206, 208 and 210 Barkly Street owners	206, 208 and 210 Barkly Street owners
10	Submission – 16 Waxman Parade, Brunswick West	Ms McCullagh
7 May 2019		
11	Submission – Rod Duncan	Mr Duncan
12	Submission – 183 Stewart Street, Brunswick East	Mr Lanarus
13	Council Part C submission	Council

Appendix B Panel preferred version of the HO511 (Prestige Mill Complex (Former), 159- 165 Donald Street, Brunswick East) Heritage Citation

Unchanged content has been removed to save space.

Tracked Added

~~Tracked Deleted~~

...

Statement of significance

What is significant?

The former Prestige Limited textile mill at 159–165 Donald Street, Brunswick East, built between 1922 and 1925 and comprising a subsidiary company, Johnson Bros silk hosiery manufacturers, is significant.

Non-original alterations and additions to the buildings are not significant.

How is it significant?

The former Prestige Limited textile mill complex 159–165 Donald Street, Brunswick East, is of local historical, representative and aesthetic significance to the City of Moreland.

Why is it significant?

~~The former Prestige textile mills at 159–165 Donald Street, Brunswick East, built c.1922–25, It~~ is historically significant as one of the first, and certainly one of the largest textile mills in the City of Moreland, where hosiery and clothing manufacturing was a major land use during the interwar period. Brunswick and Coburg were the centre of the Australian hosiery industry with Prestige and Holeproof providing the largest component of this for over thirty years. With the aid of Government incentives, Prestige expanded operation, opening a further three factories in Victorian country towns. ~~The former Prestige mill is historically significant~~ Prestige Limited was known as a major employer (especially for women) through the Depression years, and for the high quality of their products, their export trade and enterprising approach up until their takeover by Dunlop Australia in 1968 and the discontinuation of the brand in 1978. ~~The former Prestige textile mills exist as a tangible relic of~~ This complex provides a tangible reminder of Prestige Limited and the important role it played in the textile industry in the City of Moreland. (Criterion A)

~~Prestige and Johnston Bros. Pty. Ltd, hosiery and silk hosiery manufacturers combined operations at the Donald Street mill between 1922 and 1925 and are historically significant as a major employer (especially of women) through the Depression years. The importance of the textile industry is demonstrated by the Commonwealth decentralisation policy that saw textile and clothing mills offered incentives to open in many regional centres and country towns during the 1930s–1950s; with Prestige opening in Shepparton, Horsham and Ararat. (Criterion A)~~

~~The former Prestige mill at 159–165 Donald Street, Brunswick East, It~~ is an excellent a representative example of a large interwar industrial complex, built in stages, that ~~retains a considerable area of industrial building, some of which has been adapted for other industries. Unlike many other industrial complexes, the Prestige mill~~ still retains large areas of the factory under saw tooth roofs with characteristic side elevations showing the roof and wall profiles to achieve clerestory glazing. (Criterion D)

~~The former Prestige mill It~~ is aesthetically significant for its consistent rendered façade with simple austere interwar classicism detailing across the three buildings and. ~~Whilst each one has been altered through the insertion of different windows, roof form or an additional floor, the austere Interwar classicism remains to connect each building as once part of the same business. The site is aesthetically significant~~ for the views down two driveways ~~that it affords~~ of the vast expanse of sawtooth roofed building form bordered by masonry walls, either in their original unpainted state or painted. (Criterion E)

Recommendations

Moreland Planning Scheme

Recommended for inclusion in the Heritage Overlay of the Moreland Planning Scheme as an individual place.

Recommendations for the HO Schedule:

External Paint Colours Is a permit required to paint an already painted surface?	No
Internal Alteration Controls Is a permit required for internal alterations?	No
Tree Controls Is a permit required to remove a tree?	No
Victorian Heritage Register Is the place included on the Victorian Heritage Register?	No
Incorporated Plan Does an Incorporated Plan apply to the site?	No
Outbuildings and fences exemptions Are there outbuildings and fences, which are not exempt from notice and review?	No
Prohibited uses may be permitted? Can a permit be granted to use the place for a use, which would otherwise be prohibited?	No Yes
Aboriginal Heritage Place Is the place an Aboriginal heritage place, which is subject to the requirements of the Aboriginal Heritage Act 2006?	No