

Submission	Matters in Submission	Response to Submissions
<p><b>Submitter 1</b>  <b>Received: 29 March 2020</b>  <b>RE: Proposed HO133 at 2-6 Sherwin Court, Melton</b></p>	<p>Notes that they (the submitter) were first notified of the proposed amendment for a heritage overlay on 2-6 Sherwin Court, Melton via letter from Council on 12 March 2020.</p> <p>Submits Council has failed to inform them of this proposed amendment in discussions prior to the purchase of the property approximately six months ago, via correspondence welcoming them to the municipality and during correspondence regarding pre permit application discussions,</p> <p>Submits that they have begun the process to build a house and shed at 2-6 Sherwin Court and that the house is in very poor condition and has no characteristics and should not be kept. Also there is nothing on the property that reflects the existence of any kind of farm or stud farm.</p>	<p>Council is required to give notice of the preparation of an amendment in accordance with section 19 of the <i>Planning and Environment Act 1987</i> (Vic).</p> <p>Council gave notice to all owners and occupiers of land that it believes to be materially affected by the amendment, via written correspondence on 12 March 2020. This was the first notification letter sent out to all affected parties in regards to the proposed Heritage Overlay. The amendment was then re-exhibited between 18 June and 21 July 2020, in accordance with the Covid-19 Omnibus (Emergency Measures) Act 2020</p> <p>Council notes that since this submission the house at 2-6 Sherwin Court has lawfully been demolished.</p> <p><b>It is recommended that a revised citation be prepared and the Statement of Significance updated to reflect the demolition of the house.</b></p> <p><b>Submission is unresolved, refer to Panel.</b></p>
<p><b>Submitter 2 (part 1)</b>  <b>Received: 13 April 2020</b>  <b>RE: HO133 at 2 Killarney Drive</b></p>	<p>Submits that the horse walker, was removed several months ago (prior to the issuance and receipt of Council's notification correspondence) due to its dilapidated condition and the need to keep the area clear of overgrown vegetation which attracted snakes.</p> <p>Submits that a substantial amount of money has been spent repairing and preserving the stables building and that they have no further funds to spend on maintenance works for the gable shed and office building for the foreseeable future.</p>	<p>Council supports the maintenance and restoration of heritage places within a heritage overlay through the Heritage Advisory Service and the Heritage Assistance Fund.</p> <p>A site visit was undertaken on 3 July 2020 and confirmed the lawful demolition of the stable building.</p> <p>Council supports the maintenance and restoration of heritage places within a heritage overlay through the Heritage Advisory Service and the Heritage Assistance Fund.</p>

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<p><b>Submitter 2 (part 2)</b></p>	<p>Submits that the stable building referred to in the citation as having a roof absent is no longer present as the building had become structurally unsound and the building collapsed. The citation and extent of the proposed Heritage Overlay should be amended to reflect this as well as removal of the horse walker per the previous submission.</p> <p>Submits that they do not have the funds for maintenance of the office building and gable shed.</p> <p>Notes that the property is a working stable and agistment venue and submits that they require the ability to add and amend fence lines as required to properly manage the property and rotate paddocks and horse grazing.</p> <p>Notes that the property comprises water tanks and solar panels which are required for the stable and agistment venue.</p> <p>Notes that the exterior door to the north side will be painted according to the character of the property after winter to avoid deterioration and that remaining exterior of the building will also require repainting in the short to medium term.</p> <p>Submits that they not suffer undue hindrance or interference in the ongoing utilisation and enjoyment of their property as well as not becoming unduly burdened by the excessive physical boundaries of the proposed Heritage Overlay area.</p>	<p>A curtilage of 10 metres is standard practice for heritage buildings within the City of Melton. A curtilage is necessary to ensure that any future development, including subdivision, does not adversely affect the setting or significance of the heritage place.</p> <p><b>It is recommended that Council:</b></p> <ul style="list-style-type: none"> <li>• <b>Update the citation and Statement of Significance to reflect the removal of the horse walker and southern stable and revise the extent of the proposed Heritage Overlay polygon to reflect the removal of the horse walker and southern stable and include a 10 metre curtilage to the gable shed, northern stable and office</b></li> <li>• <b>Consider the preparation of an Incorporated Plan in consultation with the landowners at 2 Killarney Drive, Melton to allow agricultural fencing activities to be undertaken without impacting the heritages values at 2 Killarney Drive, Melton and triggering the need for a planning permit and revise Clause 43.01 accordingly.</b></li> </ul> <p><b>Submission is unresolved, refer to Panel.</b></p>
<p><b>Submitter 3</b> <b>Received 24 April 2020</b></p>	<p>Notes that the Behlen shed is on railway lot 29 and is privately leased for a non-railway use.</p>	<p>Council understands the land is designated for use as transport land and that the Public Use Zone allows for that, however under the <i>Planning and Environment Act, 1987</i>, Council has an obligation to ‘conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest or</p>

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<p><b>RE: Proposed HO131 at 2-98 Staughton St, Melton South</b></p>	<p>Notes that the site is on a large transport holding of approximately 2,464 square metres, in close proximity to the Melton Railway Station.</p> <p>Submits that the site is a strategic site within the Melton Station rail corridor, required to provide future capacity for transport infrastructure which may involve train stabling or additional commuter car parking in the future.</p> <p>Submits that transport owned land around the Melton Railway Station is finite and it is not sustainable for the transport system to lose such large sites due to a Heritage Overlay.</p> <p>Submits that, except in exceptional circumstances, railway land should be kept clear of overlays and that the Public Use Zone 4 provides an “as of right” facility for use and development associated with transport uses to facilitate transport use and development on transport land.</p> <p>Submits that additional overlays placed on PUZ4 adds significant cost and delay to the delivery of transport infrastructure.</p> <p>Submits that the placement of the Heritage Overlay, unlike other overlays, will render the entire site completely un-useable for transport uses as the Heritage Overlay is likely to prevent demolition of the building.</p> <p>Submits that the Behlen Shed has marginal historical and aesthetic value reflected in the designation of Criterion E in the RBA Study.</p>	<p>otherwise of special cultural value.’ The Behlen Shed has been identified as being of local historical and aesthetic significance to the City of Melton.</p> <p>The Behlen Shed has substantial local and aesthetic significance as a prominent signifier of the storage facilities required to support the chaff and grain industry in the municipality. It is the only known example of such a substantial prefabricated shed imported from the USA in the municipality. The recommendation that a heritage overlay is sought for the Behlen Shed is maintained.</p> <p>The submission has not addressed the issue of cultural heritage values. It is an overstatement of the restrictions that a Heritage Overlay is likely to render the entire site unusable for transport requirements. The Heritage Overlay does however provide for adaptation and change to significant structures, such as the Melton Railway Station and platforms which are already included on the Heritage Overlay.</p> <p><b>Submission is unresolved, refer to Panel.</b></p>
<p><b>Submitter 4</b></p>	<p>A site visit was undertaken on 3 July 2020 and further research was undertaken on the history and fabric of the house. Closer inspection of the building fabric has</p>	

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<p><b>Received: 24 April 2020</b></p> <p><b>RE: Proposed HO 129, HO130 at 398-428 Exford Road, Exford and 430-458 Exford Road.</b></p>	<p>(Memo dated 22 April 2020) upon review of the City of Melton Heritage Assessment Project 2018: Statements of Significance.</p> <p>Mr Barret notes:</p> <ul style="list-style-type: none"> <li>• There needs to be a sound basis for the implementation of the proposed HO129 and HO130 based upon a thorough understanding of the site and its history, and the core cultural heritage values that are intended to be conserved.</li> <li>• The statements of significance for the house and the grave are not conclusive about the history and importance of these elements but rather are speculative in the historical background of these places in their respective statements of significance.</li> </ul> <p>The following comment in the statement of significance about the grave needs revision - Clarification is needed as to how a grave 'partly intact' can be an 'original example', or particularly representative of a type of element?</p> <p><i>...the small basalt and marble gravestone is of representative significance for being partly intact and original example.</i></p> <ul style="list-style-type: none"> <li>• Further work is needed to understand the history of these (the above) elements to form a conclusive statement of significance about the importance of the house and grave.</li> </ul>	<p>confirmed that it dates to the Federation period but was designed in a Victorian Survival mode, which is not uncommon in regional areas, and parts of Melbourne.</p> <p>Given the lack of some records in the Municipality, many of the existing heritage overlays are dated 'circa' from the late 19<sup>th</sup> and early 20<sup>th</sup> century. This is simply a reflection of the inherent difficulties in dating many Victorian and Federation period places in regional areas without the advantage of more prevalent historic documentation such as the MMBW plans, etc., which are easily sourced for metropolitan and larger regional centres.</p> <p>In regards to the grave, a site visit was undertaken on 3 July, 2020 and the date of the grave is undisputed. It is clearly marked 11 October 1880. The upper part of the grave has been lost and no historic documentation has come to light of its original detailing.</p> <p>Nonetheless sufficient fabric survives to accurately date it and for it to remain evocative of the more common loss of children at a young age during the 19<sup>th</sup> century. It also has significance relating to the prominent local Staughton family and the not uncommon practice for burials to occur on private property in regional areas.</p> <p>With the advantage of the site inspection, it was possible to confirm the presence of the stone pine tree adjacent to the grave.</p> <p><b>It is recommended that Council amend:</b></p> <ul style="list-style-type: none"> <li>• <b>The citation for the 'house' with new information about the house and a further explanation of the house in the comparative analysis section of the citation.</b></li> <li>• <b>The citation for the Staughton Infant Grave, including new information about the grave and stone pine tree.</b></li> </ul>
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<p><b>Submitter 5 (part 1)</b> <b>Received on: 26 April 2020</b> <b>RE: 1267-1289 Beattys Road, Grangefields, proposed HO 135</b></p>	<p>Submits that the 10 metres curtilage around the cottage is excessive and that they are expected to relinquish their rights to the land without due compensation.</p> <p>Submits that there is no detailed information about the second area (riveted vessels) proposed for heritage protection in the amendment documents and that this area be removed from the Proposed Amendment C198.</p> <p>Notes that Council have not inspected the cottage (or riveted vessels) and have only viewed the property from the road in February 2018.</p> <p>Submits that the cottage is in a dilapidated state and may be deemed unsuitable and/or unsafe for future enhancement or conservation purposes.</p> <p>Notes that at the time of acquisition of the property, they were told by Council it had historical significance, but was not considered for a heritage listing due to its poor state and condition.</p> <p>Submits that a heritage overlay will have a negative impact on the value of their property and its future saleability.</p> <p>Submits that the cottage needs to be assessed for structural integrity and notes that the cottage has exposed windows and</p>	<ul style="list-style-type: none"> <li>• <b>The Statement of Significance for both the 'house' and the Staughton Infant Grave based on the revised information in the citation. Submission is unresolved, refer to Panel.</b></li> </ul>	<p>Council engaged RBA Consultants to undertake an assessment of heritage places known as conservation desirables in 2018. These conservation desirables were identified through Council's municipal wide heritage assessment, <i>Melton Heritage Study 2007</i>.</p> <p>Following RBA Consultants assessment, titled <i>City of Melton Heritage Assessments Project 2018 (November 2018)</i>, Council adopted the assessment at its Ordinary Meeting on 10 December 2018. Council also resolved to prepare a planning scheme amendment at this meeting.</p> <p>Council is required to give notice of the preparation of an amendment in accordance with section 19 of the <i>Planning and Environment Act 1987</i> (Vic). Council gave notice to all owners and occupiers of land that it believes to be materially affected by the amendment, via written correspondence on 12 March 2020. This was the first notification letter sent out to all affected parties in regards to the proposed Heritage Overlay. The amendment was then re-exhibited between 18 June and 21 July 2020, in accordance with the Covid-19 Omnibus (Emergency Measures) Act 2020</p> <p>The effect of the Heritage Overlay is to require a planning permit for specified development of the affected land. This ensures that the heritage significance of a particular heritage place is protected, by requiring an assessment of a demolition or development proposal against the objectives and decision guidelines of the Heritage Overlay and relevant policy in the Planning Scheme.</p> <p>Council acknowledges that the application of the Heritage Overlay adds a layer of control to the redevelopment of particular sites. However, as planning authority,</p>
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	<p>doorways and that they are not in a position to spend funds to secure the cottage.</p> <p>Invites Council to inspect the cottage to provide an objective view as to the structural integrity and future viability of the cottage and if Council believes the cottage to merit a Heritage Overlay that it provide funding to conserve and enhance the asset.</p> <p>Submits that if Council deems them to be included in a heritage overlay (now or in the future), that Council considers relocating the riveted vessels in the vicinity of the Cottage at their cost as they have been described then as 'moveable objects.' This would ensure only one area on the property is impacted by a heritage overlay.</p> <p>Asks how the cottage (and any other proposed heritage assets on their property) would be incorporated into a future Precinct Structure Plan so that they and future purchasers/developers can understand the impact the proposed overlay would have on the development potential of the site. Submits that the owners of surrounding sites be consulted as it could impact their development potential.</p> <p>Submits that Council consider listing possible future uses for the heritage asset to enhance development potential.</p> <p>Submits that the naming convention of the cottage be reconsidered given the cottage was built in the late 1860's (most likely by the owner R. Muir) and the Statement of</p>	<p>Council considers that the introduction of a permit requirement is necessary to ensure that the heritage value of the relevant heritage place is protected, and that development is appropriately managed into the future.</p> <p>The Heritage Overlay is a widely used tool that applies across many different zones and development settings (growth areas, urban and rural) including areas that are encouraged to undergo change.</p> <p>The Victorian Planning Authority are the Planning Authority for Precinct Structure Plans in Melbourne's growth areas. A future Precinct Structure Plan will consider the heritage place.</p> <p>The Heritage Overlay does not operate as an acquisition of land, triggering rights to compensation, but rather as a control on land, in the form of a planning permit requirement for subdivision, demolition and specified buildings and works (refer above). Hence the Heritage Overlay does not involve any 'relinquishing' of property rights.</p> <p>A landowner with a heritage overlay is under no obligation to maintain a heritage property. While Council is not responsible for the cost of maintaining a building on land that is not owned by Council and is within a heritage overlay, Council supports and encourages the maintenance and restoration of heritage places within a heritage overlay through the Heritage Advisory Service and the Heritage Assistance Fund.</p> <p>Private financial impacts are not relevant economic impacts to consider when assessing an amendment to the Planning Scheme. Financial impacts may be relevant if they translate into public economic effects, but financial impacts expressed on a site-by-site basis (and not at a broader community level) do not meet this threshold.</p>
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	<p>Significance makes no mention of Fulham Park (Poultry Farm). The only historical connection noted is to 'Cockbill Family/Brothers (Pig and Poultry Stud)'.</p>	<p>Council was unable to access the property in early 2018 when RBA Consultants were preparing the heritage assessment. Council approached landowner to enquire about a site visit in early July 2020 but was denied access.</p>
<p><b>Submitter 5 (part 2)</b></p>	<p>Notes a subsequent submission regarding proposed HO135.</p> <p>Submits that the proposal of a 10 metre curtilage all the way around the cottage should be removed or amended to no more than one metre (as long as it does not encumber any other assets).</p> <p>Asks if the aerial plan in the citation showing the 10 metre curtilage is to scale?</p> <p>Submits that not enough information has been provided about the second part of the proposed Heritage Overlay (in addition to the Cottage), other than the location and a note about riveted vessels in the amendment documentation and therefore should be removed from the Proposed Amendment C198.</p>	<p>Council acknowledges that the landowner did offer Council the opportunity to have a site visit on Wednesday's during May 2020, however due to the exceptional circumstances around COVID-19 and the national lockdown measures in April/May 2020 a site visit with RBA Consultants and Council staff could not be undertaken.</p> <p>A site visit was undertaken from the roadside in July 2020.</p> <p>The riveted vessels (possibly small grain silos) are located some distance from the road and were not able to be inspected at close quarters, however they are a rare remnant of this type of equipment and are presumed to be associated with the Cockbill farming phase at the site (circa 1917 to 1965). Being relatively small items, they are difficult to detect on the earliest aerials available in the area, from 1961.</p> <p>Condition and structural integrity is not a relevant consideration when undertaking an assessment of significance for a planning scheme amendment. Council understands the vessels may be in poor condition, but this does not affect the evaluation of significance of the vessels.</p> <p>A curtilage of 10 metres is standard practice for heritage buildings within the City of Melton. A curtilage is an (invisible) buffer that is included in the heritage overlay extent and is necessary to ensure that any future development, including subdivision, does not adversely affect the setting, context or significance of the heritage item.</p> <p>The name Fulham Park was the property name from 1917 until 1976. This is the name which most local histories would remember the property and therefore the designation, Former Fulham Park is appropriate.</p>

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		<p><b>It is recommended that:</b></p> <ul style="list-style-type: none"> <li>• The citation be updated to include new information about the riveted vessels and a circular cover to the rear of the cottage, which may relate to a well.</li> <li>• A plan be provided to the landowner showing that the 10 metre curtilage is to scale.</li> </ul> <p><b>Submission is unresolved, refer to Panel.</b></p>
<p><b>Submitter 6</b>  <b>Received on: 1 May 2020</b>  <b>RE: Proposed HO132 at 325 Clarks Road, Brookfield.</b></p>	<p>Submits an arboriculture report prepared by Treemap Arboriculture in March 2019 which identifies 19 sugar gum trees around the former Horse Yard which differs from the ten trees specified in the proposed Statement of Significance.</p> <p>In summary the report concludes that:</p> <ul style="list-style-type: none"> <li>- Eight trees have a health score of 'fair to poor'</li> <li>- Nine trees have a health score of 'poor'</li> <li>- Two trees have a health score of 'very poor'</li> <li>- All 19 trees have a structural score of very poor</li> <li>- All 19 trees are now beyond their useful life expectancy of 0 years</li> </ul> <p>Submits that the trees specified in the Statement of Significance be removed as per the recommendation by Treemap Arboriculture in their report that all 19 sugar gum trees be removed.</p> <p>Submits additional correspondence from the arborist at Treemap summarised below:</p> <ul style="list-style-type: none"> <li>- All of the sugar gums have been poorly maintained since their alleged association with the Stud and</li> </ul>	<p>A site visit was undertaken on 3 July 2020. Given the generally poor condition of the sugar gums (<i>Eucalyptus cladocalyx</i>) that had been previously nominated for heritage protection as outlined in the Arborist report (March 2019), they should be removed from the extent of the proposed Heritage Overlay and no longer identified as significant items. Whilst poor condition of building fabric does not usually affect its heritage value, this is not the case with trees as buildings can generally be repaired, whereas trees cannot be reconstructed.</p> <p>The site inspection revealed the outline of the exercise yard associated with the stallion box is no longer apparent by fencing, whilst a few trees at the north-west end might relate to its former extent. A revised curtilage of 10 metres about the stallion box has been proposed, with the few remaining sugar gum trees no longer being defined as significant items.</p> <p>Following a site inspection on 3 July 2020, further research was undertaken by RBA Consultants who recommend further details be added to the citation in regards to the house and stallion box. It should also be reflected in the citation that the rear skillion wing of the house (dating to the late 20<sup>th</sup> Century) is no longer defined as significant. RBA consultants also discovered a 1970 aerial that should be included in the revised citation. RBA consultants recommend the Statement of Significance be updated based on the recommended revised citation.</p>



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	<p>they could not practically be retained in the presence of people or property given their condition.</p> <ul style="list-style-type: none"> <li>- The species is widely regarded as an environmental weed in Victoria</li> <li>- The trees cannot be preserved safely without barricading them to a distance equal to their height</li> </ul> <p>The Sugar Gum species caused a Mickleham fire in 2014 after a branch fell onto high voltage wires which was pruned (lopped) in a similar fashion to the trees on 325 Clarkes Road.</p>	<p><b>It is recommended that:</b></p> <ul style="list-style-type: none"> <li>• The sugar gum trees are removed from the proposed Heritage Overlay polygon and that the citation and Statement of Significance are updated accordingly. A reference is however to be maintained in the Citation and Statement of Significance that the sugar gums exist, as they relate to the original plantings.</li> <li>• The citation and Statement of Significance also be updated with the additional details of the house and the stallion box.</li> </ul> <p><b>Submission is unresolved, refer to Panel.</b></p>
<p><b>Submitter 7</b> <b>Received on: 4 May 2020</b> <b>RE: Proposed HO137, 687 Hopkins Road, Truganina</b></p>	<p>Submits that they did not apply to have their property listed.</p> <p>Submits that they are currently unwell.</p>	<p>The amendment seeking to apply a heritage overlay was pursued by Council after work was undertaken by a suitably qualified heritage consultant, RBA, to undertake an assessment of heritage places known as conservation desirables in 2018. These conservation desirables were identified through Council’s municipal wide heritage assessment, <i>Melton Heritage Study 2007</i>. The assessment determined that Tibbermore is of local historical and representative significance to the City of Melton.</p> <p>Following RBA Consultants assessment, titled <i>City of Melton Heritage Assessments Project 2018 (November 2018)</i>, Council adopted the assessment at its Ordinary Meeting on 10 December 2018. Council also resolved to prepare a planning scheme amendment at this meeting.</p> <p>Council was unable to access the property in early 2018 when RBA Consultants were preparing the heritage assessment. Council approached landowner to enquire about a site visit in early July 2020 but was denied access.</p> <p>Council would welcome a site inspection (outside only) to properly assess Tibbermore in the second half of September or early October 2020 (pending COVID-19 restrictions).</p>

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<p><b>Submitter 8</b> <b>Received on: 28 April 2020</b> <b>RE: Proposed HO131 at 2-98 Staughton St</b></p>	<p>Notes that the Behlen Shed is located within the rail reserve within the land known as 2-98 Staughton Road, Melton South, is in close proximity to the Melton Station and has a strategic importance to the future transport requirements of this corridor.</p> <p>Submits that they support the landowners concerns (submission 3), in that, where possible railway land should remain clear of planning constraints.</p> <p>Submits that the Public Use Zone 4 (PUZ4) provides an "as of right" for use and development associated with transport uses to facilitate transport use and development on transport land and that additional overlays placed on PUZ4 adds significant cost and delay to the delivery of transport infrastructure.</p> <p>Submits that the proposed Heritage Overlay will render the entire 2,464 square meters lot of land un-useable for transport uses.</p>	<p><b>No change to the amendment required.</b></p> <p><b>Submission is unresolved, refer to Panel.</b></p>	<p>Council understands the land is designated for use as transport land and that the Public Use Zone allows for that, however under the <i>Planning and Environment Act, 1987</i>, Council has an obligation 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.' The Behlen Shed has been identified as being of local historical and aesthetic significance to the City of Melton.</p> <p>The Behlen Shed has substantial local significance as a prominent signifier of the storage facilities required to support the chaff and grain industry in the municipality. It is the only known example of such a substantial prefabricated shed imported from the USA in the municipality. The recommendation that a heritage overlay is sought for the Behlen Shed is maintained.</p> <p>The submission has not addressed the issue of cultural heritage values. It is an overstatement of the restrictions that a Heritage Overlay is likely to render the entire site unusable for transport requirements. The Heritage Overlay does however provide for adaptation and change to significant structures, such as the Melton Railway Station and platforms which are already included on the Heritage Overlay.</p> <p><b>Submission is unresolved, refer to Panel.</b></p>
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