

12.14 AMENDMENT C198 TO THE MELTON PLANNING SCHEME - CITY OF MELTON HERITAGE ASSESSMENTS PROJECT 2018

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PURPOSE OF REPORT

To consider the *City of Melton Heritage Assessments Project 2018* and the associated Planning Scheme Amendment C198 to the Melton Planning Scheme.

RECOMMENDATION:

That Council:

1. Adopt the findings of the *City of Melton Heritage Assessments Project 2018* (**Appendix 1**).
2. Seek authorisation from the Minister for Planning to prepare Planning Scheme Amendment C198 to the Melton Planning Scheme to implement the findings of the *City of Melton Heritage Assessments Project 2018*.
3. Upon receipt of authorisation, prepare and exhibit Amendment C198 to the Melton Planning Scheme in accordance with the relevant requirements of the *Planning and Environment Act 1987*.
4. Authorise the General Manager Planning and Development and Manager City Design, Strategy and Environment to negotiate and resolve any issues that are raised by submitters during the exhibition process prior to the amendment being reported back to Council for referral to a Planning Panel or adoption of the amendment.

Motion

Crs Ramsey/Majdlik.

That the recommendation be adopted.

CARRIED

REPORT**1. Executive Summary**

The protection of local heritage is an important legislated role that Councils undertake in Victoria. Recognising the unique heritage assets within the municipality, the *Shire of Melton Heritage Study* was completed in two stages from 2001 to 2007. This facilitated the subsequent protection of a range of heritage assets through formal listing on the Heritage Overlay.

As the City of Melton has grown and development has increased, so too has the pressure placed on places of heritage significance. Consequently, a detailed investigation was commissioned by Council of 13 specific places to determine whether these are of sufficient

heritage significance to warrant being added to the Schedule to the Heritage Overlay within the Melton Planning Scheme.

Amendment C198 proposes to implement the findings of this investigation, titled the *City of Melton Heritage Assessments Project 2018 (Appendix 1)*, to add nine places to the Schedule to the Heritage Overlay. Four of the 13 places investigated were deemed to have been altered to an extent that they do not meet the threshold for inclusion on the Heritage Overlay.

All nine places recommended for inclusion are within the urban growth boundary and are deemed to be the heritage places most at-risk of being lost due to development pressure.

2. Background/Issues

Councils play an important role in preserving local history by carrying out heritage studies and permanently protecting heritage through the Planning Scheme. All planning schemes in Victoria must implement and further the objectives of planning in Victoria. One of the objectives of the *Planning and Environment Act 1987* is 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 *Shire of Melton Heritage Study* was completed in two stages from 2001 to 2007. One of the objectives of Stage 1 of the study was to identify all post-contact places of potential heritage significance.

Of the 650 places that were identified in Stage 1, 475 were identified as being 'Places of Potential Heritage Significance'. Of these 475 places, only 191 places were assessed in further detail in Stage 2 of the study. The following recommendations were made on these places as part of Stage 2:

- 109 were recommended for inclusion in the Schedule of the Heritage Overlay of the Melton Planning Scheme, completed as part of Amendment C71 in 2007.
- 56 places were identified as 'Conservation Desirable' – that is any place where a heritage assessment should be prepared prior to any development proposal that might impact upon it
- 22 sites were listed as places which might be considered worthy of heritage protection in a future study.

Places recommended for future investigation and potential protection have since been incrementally addressed (depending on priority) through a range of processes, such as the development of Precinct Structure Plans. Recent development pressure has necessitated the detailed investigation of an additional 13 specific places, identified through Stage 2 of the Heritage Study, to determine whether these are of sufficient significance to be added to the Schedule to the Heritage Overlay within the Melton Planning Scheme.

This specific investigation is supported by the *Council and Wellbeing Plan 2017-2021*, which commits Council to 'support the conservation and restoration of heritage places (Strategy 3.1.6). The adopted City of Melton Heritage Strategy 2017-2021, also includes the following action:

Continue to implement recommendations from the Melton Heritage Study 2007, including:

- *Review schedules of heritage places identified for further investigation in the Melton Heritage Study 2007.*
- *Undertake documentation and assessment of places listed in the Conservation Desirable Schedule in the Melton Heritage Study 2007.*

City of Melton Heritage Assessments Project 2018

The *City of Melton Heritage Assessments Project 2018* (**Appendix 1**), involved the assessment of the 13 priority places to determine whether they warrant inclusion in the Schedule to the Heritage Overlay within the Melton Planning Scheme. The study was undertaken by RBA Architects & Conservation Consultants.

The 13 places assessed as part of the subject study were included in the *Shire of Melton Heritage Study 2007* under the following categories:

- 10 were identified as 'Conservation Desirable' places.
- 2 were listed as places which might be considered worthy of heritage protection in a future study (nos 170 and 374).
- Place no.270 was not included in Stage 2 of the study, though was identified as a potential heritage site in Stage 1 of the study.

The methodology adopted for the assessment was in accordance with the processes and criteria outlined in the *Australia ICOMOS Charter for the Conservation of Places of Cultural Significance*, known as the *Burra Charter* (Australia ICOMOS, 2013). The key tasks included:

- Site inspections. Most places were visible and able to be assessed from the road.
- Historical research and analysis of the extant fabric in relation to documentary evidence.
- Preparation of a physical description.
- Assessment of the significance of each site based on the research and the extant fabric.
- Preparation of citations (statement of significance, history and description) for those places warranting heritage protection, with reference to the Planning Practice Note 1.

Project findings

Of the 13 places assessed, RBA Architects and Conservation Consultants found that:

- Nine places meet the threshold for local significance and should be included in the Schedule to the Heritage Overlay.
- Four places have been altered to an extent that they do not meet the threshold for inclusion in the Heritage Overlay.

The full assessment of the 13 places is detailed are in **Appendix 1** with an overview of the assessment provided in Tables 1 & 2 below. **Appendix 2** shows the geographic locations of the nine places recommended for inclusion, with Table 1 providing an overview of these places.

Table 1 – Places recommended for inclusion in the Heritage Overlay

ID No.	Place	Address	Description
170	Behlen Shed	Brooklyn Road, Melton South (on the railway reserve, part of 2-98 Staughton Street)	Constructed during the mid-1960s for the Grain Elevators Board. The shed also has associations with the chaff industry which was a major industry in the Melton South area. Other structures associated with this industry have been lost.
183	Former Melton Stud	325 Clarkes Road, Brookfield	Established in 1906 by highly regarded and successful racehorse breeder E E D Clarke (member of the important Clarke family), Melton Stud is a relatively early thoroughbred stud. The

MINUTES OF THE ORDINARY MEETING OF COUNCIL

10 DECEMBER 2018

ID No.	Place	Address	Description
			Sugar Gums as well as the stallion box and associated exercise yard are contemporary with the Federation period house. The grave of the noted sire 'The Welkin' also remains. All elements recommended for inclusion in the Heritage Overlay are largely intact.
239	House and outbuildings (Tara Stud)	2-6 Sherwin Court, 2 Killarney Drive, 2a Sherwin Court, Melton	Largely intact Old English Revival Style house and 3 largely intact outbuildings (2 stables and 1 office), metal horse walker and associated Cypress trees in adjacent reserve. Representative of facilities employed during the mid-20th century for the horse industry, which was an important industry for the Municipality. Historically, the stud is also associated with notable local identities including the Hornbuckle and Nixon families.
270	Staughton Infant Grave	430-458 Exford Road, Weir Views	1880 grave of infant Rupert Werribee Staughton, the fourth child of Harry Werribee and Anna Maria Staughton of Exford Estate. Associated with the prominent Staughton family, it is one of relatively few isolated marked graves in the Municipality (outside a cemetery) that retain its original gravestone and is in its original location.
271	House	398-428 Exford Road, Weir Views	Largely intact weatherboard house likely constructed during the first decade of the 20th century, probably for a farm manager or the like. Associated with the Exford Estate of which it was part until the turn of the 21st century.
312	Water Reserve, Beattys Road	701A Beattys Road, Aintree (Crown Allotment 1 of 3; SPI: 8A~18\PP2927)	Associated with initial subdivision of land and located adjacent to the important crossing of Beattys Road over Kororoit Creek. One of only a few identified water reserves that remain. It includes a dry stone wall which reflects the practices of early land owners in the Melton area.
316	Former Fulham Park	1267-1289 Beattys Road, Grangefields	Selection era house constructed circa 1860s with basalt walls. Few houses of the type/age survive in the Melton area. The site and the riveted vessels are associated with the operations of the Cockbill family who established a pig and poultry stud during the early 20th century and also operated a knackery.
318	Beattys Bridge	Beattys Road, crossing of Kororoit Creek, Aintree	Timber bridge over Kororoit Creek, likely constructed during the late 19th/early 20th century. There are relatively few timber bridges from this period that remain in the Melton area. The bridge and the nearby section of cobblestone road both have the potential to yield information about early road infrastructure. Both are also associated with the important crossing of Beattys Road over Kororoit Creek.

MINUTES OF THE ORDINARY MEETING OF COUNCIL

10 DECEMBER 2018

ID No.	Place	Address	Description
392	Tibbermore	687 Hopkins Road, Truganina	Early basalt section of house probably constructed during the 1860s or 1870s. One of a few buildings, or remnant buildings, that survive in the Municipality which are evocative of an early phase of European settlement. The earlier section of house has been incorporated into a Federation period dwelling that has been altered externally.

Table 2 – Places not recommended for inclusion in the Heritage Overlay

ID No.	Place	Address	Description
76	Cottage	3 Diggers Rest- Coimadai Road, Diggers Rest	The house's origin and date of construction has not been confirmed, though the front section of the house likely dates to the 19th century. This part of the house is much altered and was likely relocated to the site during the mid-20th century for Albert Edward Tame to support the wire factory that had been established at Diggers Rest.
371	House	405 Greigs Road, Truganina	Substantially altered house likely constructed during the Interwar period and possibly relocated to the subject site. The house has been heavily compromised through the introduction of a prominent dormer addition and an upper level balcony. There are no strong historical associations
374	House	879 Greigs Road, Thornhill Park	Federation period section of house with mid-20th century additions. Whilst the remnant section of the Federation period house is partly intact, its original presentation is difficult to interpret. No other Federation period fabric remains. There are a few outbuildings with various construction dates. One possibly dates from circa 1930 whilst others are later. There is no obvious key phase of development and no strong family associations. Extant sections of dry stone walls that are not included in the Mount Cottrell Dry Stone Wall Precinct (HO200) should be included in the existing Heritage Overlay.
452	Stoneleigh	875-941 Troups Road, Truganina	Whilst the house is associated with well-known local identities the Troup family, it is in poor condition and has been considerably altered. The house is recognisable as a Federation period dwelling, though it is surrounded by later buildings – the additions to the house and the outbuildings are much later and do not relate to the early phase of development.

Planning Scheme Amendment C198 – Additions to the Heritage Overlay

To ensure ongoing protection of the nine recommended heritage places, they must be listed under Clause 43.01 of the Melton Planning Scheme – the Heritage Overlay. To give effect to this change, a formal Planning Scheme Amendment is required

Amendment C198 proposes to implement the findings of the *City of Melton Heritage Assessments Project 2018* into the Melton Planning Scheme by:

- Including an additional nine places in the Schedule to the Heritage Overlay located at clause 43.01 (as summarised in Table 1 of this report).
- Incorporating the statements of significance for each of these places as contained in **Appendix 1** into the Melton Planning Scheme.

Including these places in the Schedule to the Heritage Overlay, and incorporating the statements of significance will allow an assessment of the heritage value of the properties, and the impact that proposed development may have upon them should Council receive any development proposals for the subject properties.

Strategic assessment

Ministerial Direction No 11 requires amendments to be assessed against a number of guidelines. This strategic assessment has been undertaken and it is considered that the amendment adequately addresses the guidelines.

One of the objectives of the *Planning and Environment Act 1987* is 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 City of Melton's *Municipal Strategic Statement* includes an objective 'to protect and enhance areas of environmental, historical and cultural significance and sensitivity'.

The purpose of Clause 43.01 – Heritage Overlay of the Melton Planning Scheme is as follows:

- 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 specified 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.

As local historic assets are at risk, the Heritage Overlay is the most appropriate planning control available to ensure long term protection. This Amendment will directly contribute towards Council's legislated obligation to conserve heritage within the municipality.

3. Council and Wellbeing Plan Reference and Policy Reference

The *Melton City Council 2017-2021 Council and Wellbeing Plan* references:

3. A well planned and built City: A City with a clear vision to manage growth in a sustainable and accessible way

3.1 *A City that strategically plans for growth and development.*

4. Financial Considerations

The *City of Melton Heritage Assessments Project 2018* was undertaken by RBA Architects & Conservation Consultants at a total cost to Council of \$38,180. Council officer time and resources are involved in the preparation of the amendment. Council is also required to pay the mandatory fees associated with the amendment process. Should the amendment proceed to a Panel, costs will be incurred, including for potential legal representation. The costs associated with Planning Scheme Amendments are covered by the recurrent budget of City, Design, Strategy and Environment.

5. Consultation/Public Submissions

City of Melton Heritage Assessments Project 2018

Council sent letters and sought to make contact with property owners to arrange site access where necessary. Site surveys were largely limited to a visual assessment of each property from the road and were undertaken in February and March 2018. Place no. 392 was not visible from the road and a site inspection of this property was not possible, however, direct contact was made with the property owner regarding the study. As a result, the assessment of this place relied on earlier photographs. This approach is an accepted methodology for the inspection of heritage places.

Amendment C198

Planning scheme amendments are subject to an exhibition process in accordance with the *Planning and Environment Act 1987*. This includes direct notification to affected land owners, notification to government agencies and prescribed Ministers, a notice placed in a local newspaper, and a notice placed in the Government Gazette.

Council staff, including a Heritage Advisor will be available to meet with land owners and undertake site visits if requested during the consultation period. Any submissions received during the exhibition process will be assessed by Council officers who will seek to work with submitters to resolve issues where appropriate.

Once the exhibition period closes, a further report will be provided to Council summarising any submissions made to Amendment C198, the changes made to the amendment as a result of exhibition and recommending whether a Planning Panel is required.

6. Risk Analysis

If Council chooses not to seek authorisation to prepare a Planning Scheme Amendment, it would prevent the protection of significant heritage places from future development.

Council would also risk not meeting its obligations under the *Planning and Environment Act 1987* regarding the conservation and enhancement of heritage places.

7. Options

Council can resolve to either:

- Adopt the findings of the *City of Melton Heritage Assessments Project 2018 (Appendix 1)* and seek authorisation to prepare and exhibit a Planning Scheme Amendment in accordance with the *Planning and Environment Act* and authorise the General Manager Planning & Development and Manager City Design, Strategy & Environment to negotiate and resolve any issues; or
- Not adopt the findings of the *City of Melton Heritage Assessments Project 2018 (Appendix 1)* and not proceed with the Planning Scheme Amendment.

MINUTES OF THE ORDINARY MEETING OF COUNCIL

10 DECEMBER 2018

LIST OF APPENDICES

1. City of Melton Heritage Assessments Project 2018 - dated 19 November 2018
2. Heritage Places Location Map - dated 19 November 2018