

*Planning and Environment Act 1987*

Panel Report

Melton Planning Scheme Amendment C198  
Heritage Assessments Project 2018

23 December 2020

**How will this report be used?**

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

The planning authority must consider this report before deciding whether or not to adopt the Amendment. [section 27(1) of the *Planning and Environment Act 1987* (the Act)]

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

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

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

*Planning and Environment Act 1987*

Panel Report pursuant to section 25 of the Act

Melton Planning Scheme Amendment C198melt

Heritage Assessments Project 2018

23 December 2020



John Roney, Chair

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- C2 Panel preferred version of Heritage Overlay maps for HO130, HO132 and HO133
- C3 Tara Stud (former) Outbuildings, 2 Killarney Drive, Melton, Incorporated Plan, October 2020
- C4 Panel preferred version of Schedule to Clause 43.01 (HO129-HO137)
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## Glossary and abbreviations

Act	<i>Planning and Environment Act 1987</i>
Council	Melton City Council
DELWP	Department of Environment, Land, Water and Planning
Heritage Assessments Project	City of Melton Heritage Assessments Project 2018
HO	Heritage Overlay
LPPF	Local Planning Policy Framework
Melton Heritage Study	Shire of Melton Heritage Study, 2007
MSS	Municipal Strategic Statement
Plan Melbourne	Plan Melbourne 2017-2050
Planning Scheme	Melton Planning Scheme
PPF	Planning Policy Framework
PPN01	Planning Practice Note 1 - Applying the Heritage Overlay
PSP	Precinct Structure Plan
PUZ4	Public Use Zone 4 (Transport)
VPA	Victorian Planning Authority
VPP	Victoria Planning Provisions

## Overview

Amendment summary	
The Amendment	Melton Planning Scheme Amendment C198melt
Common name	Heritage Assessments Project 2018
Brief description	Implements the findings of the City of Melton Heritage Assessments Project 2018 by adding nine places to the Schedule to the Heritage Overlay and associated Heritage Overlay mapping
Subject land	The Amendment affects separate sites within Bonnie Brook, Brookfield, Grangefields, Melton, Melton South, Truganina and Weir Views
Planning Authority	City of Melton
Authorisation	8 November 2019, with conditions
Exhibition	12 March – 1 May 2020 and re-exhibited 18 June -21 July 2020
Submissions	Total Number of Submissions: 9 Opposed: 8

Panel process	
The Panel	John Roney, Chair
Directions Hearing	30 October 2020 by video conference
Panel Hearing	7 December 2020 by video conference
Site inspections	Unaccompanied, 4 December 2020
Parties to the Hearing	Melton City Council represented by Kim Piskuric of Harwood Andrews who called evidence in Heritage from Anthony Hemingway of RBA Architects and Conservation Consultants Sally-Anne Attard (Submitter 5) Several other parties initially requested to be heard but later withdrew for reasons discussed in the report
Citation	Melton PSA C198melt [2020] PPV
Date of this Report	23 December 2020

## Executive summary

Melton Planning Scheme Amendment C198melt (the Amendment) seeks to implement the findings of the *City of Melton Heritage Assessments Project 2018* (Heritage Assessments Project) by adding nine places to the Schedule to the Heritage Overlay (HO) and the associated Heritage Overlay mapping.

The nine heritage places are located in various parts of the municipality within the Urban Growth Boundary and, as exhibited, are referred to as:

- HO129 at 398-428 Exford Road, Weir Views
- HO130 at 430-458 Exford Road, Weir Views
- HO131 at Brooklyn Road, Melton South (on the railway reserve, part of 2-98 Staughton Street)
- HO132 at 325 Clarkes Road, Brookfield
- HO133 at 2-6 Sherwin Court, 2 Killarney Drive and 2a Sherwin Court, Melton
- HO134 at 660A Beattys Road, Bonnie Brook
- HO135 at 1267-1289 Beattys Road, Grangefields
- HO136 at Beattys Road, crossing of Kororoit Creek, Aintree
- HO137 at 687 Hopkins Road, Truganina.

There are four places that have serial listings (HO132, HO133, HO135 and HO136).

Council proposed minor changes to the description of the address of several heritage places.

The Heritage Assessments Project forms the basis of the proposed Amendment.

The Heritage Assessments Project is consistent with the strategic actions identified in the *City of Melton Heritage Strategy 2017-2021* and builds on the work and recommendations in the *Shire of Melton Heritage Study, 2007* (Melton Heritage Study). It assessed 13 places which were identified for further investigation in the Melton Heritage Study. Council submitted that these sites were selected for assessment due to their location within the Urban Growth Boundary and susceptibility to redevelopment in the near future. Nine out of the 13 places investigated were assessed as meeting the threshold of local heritage significance and were included in the Amendment.

Council referred nine submissions to the Panel, including eight submissions that objected to the Amendment.

The objections were generally from land owners within the Amendment area and related to issues including:

- Site specific issues regarding:
  - dispute over the heritage significance of the place
  - the degree of intactness and integrity of individual properties to be included in the Heritage Overlay
  - the boundary of the proposed Heritage Overlay.
- Other issues such as:
  - the impact on development potential
  - the impact on property values and the imposition of other financial burdens
  - concerns over the structural condition of buildings.

The Panel has considered the submissions and reviewed the proposed Heritage Overlays and concluded as follows:

**HO129 House at 398-428 Exford Road, Weir Views**

- The house at 398-428 Exford Road, Weir Views has local heritage significance and should be included within HO129.
- The proposed extent of the Heritage Overlay boundary of HO129 is appropriate.
- The Statement of Significance for HO129 should be modified:
  - under the heading 'What is significant?' to refer to the "... *Federation period weatherboard house ...*"
  - under the heading 'Why is it significant?' to modify the last paragraph regarding Criterion D to note that "*Whilst its chimney detailing in particular identifies the house as dating to the Federation period, it is an example of the Victorian survival type*".
- The description of HO129 in column 2 of the Schedule to Clause 43.01 should be modified to refer to the "... *Federation period weatherboard house ...*"
- As exhibited, external paint controls should apply to the house.

**HO130 Staughton Infant Grave at 430-458 Exford Road, Weir Views**

- The grave at 430-458 Exford Road, Weir Views has local heritage significance and should be included within HO130.
- The Statement of Significance for HO130 should be modified to clarify various aspects of the grave and note the associated copse of trees to the west of the grave, including the presence of a Stone Pine.
- The description of HO130 in column 2 of the Schedule to Clause 43.01 should be modified to refer to the adjacent copse of trees to the west of the grave, including the Stone Pine.
- The proposed extent of the Heritage Overlay boundary of HO130 should be modified to better reflect the location of the relevant trees associated with the grave.

**HO131 Behlen Shed at Brooklyn Road, Melton South**

- The Behlen Shed has local heritage significance and should be included within HO131.
- The Statement of Significance for HO131 should be modified to correct the address of Behlen Shed to 2-98 Staughton Street, Melton South.
- The description of HO131 in column 2 of the Schedule to Clause 43.01 should be modified to correct the address of Behlen Shed to 2-98 Staughton Street, Melton South.

**HO132 Former Melton Stud at 325 Clarkes Road, Brookfield**

- Parts of the former Melton Stud at 325 Clarkes Road Brookfield have local heritage significance and should be included within HO132.
- The Statement of Significance for HO132 should be modified to:
  - under the heading 'What is significant?':
    - delete reference to the Sugar Gums (around the house, exercise yard and the grave of 'The Welkin')
    - delete reference to the exercise yard
    - add some minor details regarding the house
    - add a note that the rear skillion section of the house is not significant



- under the heading 'Why is it significant?':
  - o delete reference to the Sugar Gums (around the house, exercise yard and the grave of 'The Welkin')
  - o delete reference to the exercise yard
  - o add some minor details regarding the house, the grave of 'The Welkin' and the stallion box.
- The Schedule to Clause 43.01 should be modified to:
  - amend the description of the heritage place in column 2
  - replace the word 'Yes' with the word 'No' in column 5 with respect to the question 'Tree controls apply?'
- The map for HO132 should be modified to show:
  - a 10 metre curtilage around all sides of the stallion box
  - a 5 metres curtilage around all sides of the grave of 'The Welkin'.

**HO133 Tara Stud at 2-6 Sherwin Court, 2 Killarney Drive and 2a Sherwin Court, Melton**

- Parts of the former Tara Stud have local significance and should be included within HO133.
- The Statement of Significance for HO133 should be modified to:
  - change the description of the heritage place
  - delete reference to the house at 2-6 Sherwin Court, and the horse walker and collapsed stables at 2 Killarney Drive
  - include minor additional details regarding the outbuildings.
- HO133 should include an Incorporated Plan pursuant to Clause 43.01-3 to assist in the operational efficiency of the property at 2 Killarney Drive to ensure that no planning permit is required under the Heritage Overlay to:
  - demolish or remove a fence
  - construct a post and wire fence associated with the use of the land for agriculture.
- The Incorporated Plan for HO133 should be titled 'Tara Stud (former) Outbuildings, 2 Killarney Drive, Melton, Incorporated Plan, October 2020'.
- The Schedule to Clause 43.01 should be modified to:
  - amend the name, address and description of the heritage place in column 2 consistent with the revised Statement of Significance
  - include the 'Tara Stud (former) Outbuildings, 2 Killarney Drive, Melton, Incorporated Plan, October 2020' as an Incorporated Plan listed in column 2
  - specify the Cypress trees in column 5.
- The northern polygon for HO133 (around the outbuildings) should be modified to show:
  - a 10 metre curtilage from the building along the south side
  - a seven metres curtilage from the building along the west side
  - a five metres curtilage from the building along the east and north sides.
- The southern polygon for HO133 (around the Cypress trees) should be modified to show a five metre curtilage from the trunk of the trees.
- The Schedule to Clause 72.04 should be modified to include reference to the 'Tara Stud (former) Outbuildings, 2 Killarney Drive, Melton, Incorporated Plan, October 2020'.

**HO135 Former Fulham Park at 1267-1289 Beattys Road, Grangefields**

- The Former Fulham Park has local heritage significance and should be included within HO135.
- The extent of HO135 as shown in the exhibited maps is appropriate.
- The Statement of Significance for HO135 is generally appropriate except that it should be modified to delete the words 'moveable elements' from the description of the riveted vessels under the heading 'What is significant?'
- The description of HO135 in column 2 of the Schedule to Clause 43.01 should be modified to delete words 'moveable elements'.

**HO136 Beattys Bridge at Beattys Road, crossing of Kororoit Creek, Aintree**

- The address for HO136 should be changed from 'Beattys Road, crossing of Kororoit Creek, Aintree', to '660A Beattys Road, Bonnie Brook'.

**HO137 Tibbermore at 687 Hopkins Road, Truganina**

- Tibbermore has local heritage significance and should be included within HO137.
- The extent of HO137 as shown in the exhibited maps is appropriate.
- The Statement of Significance for HO137 is appropriate.
- Tree controls should not apply to HO137 and column 5 of the Schedule to Clause 43.01 should be modified to replace the word 'Yes' with the word 'No'.

**Incorporated Document – Statements of Significance**

- Reference to the Incorporated Document titled *City of Melton Heritage Assessments Project 2018: Statements of Significance* in the Schedule to Clause 43.01 and Clause 72.04 should be deleted and the individual Statements of Significance for each Heritage Overlay should be referenced as separate Incorporated Documents in these clauses.

**Other issues**

- The Amendment will not create an unacceptable burden on the owners of the land affected by the Amendment.
- Future redevelopment opportunities are immaterial to this stage of the planning process and more appropriately considered at the planning permit stage.
- The structural integrity or condition of a building should not be a criterion for assessing heritage significance.

**Recommendations**

Based on the reasons set out in this Report, the Panel recommends that Melton Planning Scheme Amendment C198melt be adopted as exhibited subject to the following:

**HO129**

1. **Amend the Statement of Significance for HO129 House at 398-428 Exford Road, Weir Views as shown in the Panel preferred version in Appendix C1.**
2. **Amend the description of the heritage place for HO129 in column 2 of the Schedule to Clause 43.01 as shown in the Panel preferred version in Appendix C4.**

**HO130**

3. Amend the Statement of Significance for HO130 Staughton Infant Grave at 430-458 Exford Road, Weir Views as shown in the Panel preferred version in Appendix C1.
4. Amend the polygon for HO130 on Map12HO as shown in the Panel preferred version in Appendix C2.
5. Amend the description of the heritage place for HO130 in column 2 of the Schedule to Clause 43.01 as shown in the Panel preferred version in Appendix C4.

**HO131**

6. Amend the Statement of Significance for HO131 Behlen Shed as shown in the Panel preferred version in Appendix C1.
7. Amend the description of the heritage place for HO131 in column 2 of the Schedule to Clause 43.01 as shown in the Panel preferred version in Appendix C4.

**HO132**

8. Amend the Statement of Significance for HO132 Former Melton Stud at 325 Clarkes Road, Brookfield as shown in the Panel preferred version in Appendix C1.
9. Amend the polygons for HO132 on Map7HO as shown in the Panel preferred version in Appendix C2.
10. Amend columns 2 and 5 of HO132 in the Schedule to Clause 43.01 as shown in the Panel preferred version in Appendix C4.

**HO133**

11. Amend the Statement of Significance for HO133 as shown in the Panel preferred version in Appendix C1.
12. Amend the polygons for HO133 on Map8HO as shown in the Panel preferred version in Appendix C2.
13. Include an Incorporated Plan pursuant to Clause 43.01-3 as shown in the Panel preferred version in Appendix C3.
14. Amend columns 2 and 5 of HO133 in the Schedule to Clause 43.01 as shown in the Panel preferred version in Appendix C4.
15. Amend the Schedule to Clause 72.04 as shown in the Panel preferred version in Appendix C5.

**HO135**

16. Amend the Statement of Significance for HO135 Former Fulham Park at 1267-1289 Beattys Road, Grangefields as shown in the Panel preferred version in Appendix C1.
17. Amend the description of the heritage place for HO135 in column 2 of the Schedule to Clause 43.01 as shown in the Panel preferred version in Appendix C4.

**HO136**

18. Amend the address of the Statement of Significance for HO136 as shown in the Panel preferred version in Appendix C1.
19. Amend column 2 in the Schedule to Clause 43.01 to modify the address of HO136 as shown in the Panel preferred version in Appendix C4.

**HO137**

- 20. Amend columns 2 and 5 of HO137 in the Schedule to Clause 43.01 as shown in the Panel preferred version in Appendix C4.**

**Statements of Significance for all Heritage Overlays**

- 21. Amend the name of the Statements of Significance as shown in the Panel preferred version in Appendix C1.**
- 22. Amend column 2 in the Schedule to Clause 43.01 to modify the name of the Statement of Significance as shown in the Panel preferred version in Appendix C4.**
- 23. Amend the Schedule to Clause 72.04 to delete reference to the *City of Melton Heritage Assessments Project 2018: Statements of Significance* and include a separate Statement of Significance for each proposed Heritage Overlay as shown in the Panel preferred version in Appendix C5.**

## 1 Introduction

### 1.1 The Amendment

#### (i) Amendment description

The purpose of the Amendment is to implement the findings of the Heritage Assessments Project by adding nine places to the Schedule to the Heritage Overlay and the associated Heritage Overlay mapping.

Specifically, the exhibited Amendment proposes to make the following changes to the Melton Planning Scheme (Planning Scheme):

- Amend the Schedule to Clause 43.01 to rearrange the current heritage places in numerical order
- Amend the Schedule to Clause 43.01 to include the following heritage places on a permanent basis:
  - HO129 at 398-428 Exford Road, Weir Views
  - HO130 at 430-458 Exford Road, Weir Views
  - HO131 at Brooklyn Road, Melton South (on the railway reserve, part of 2-98 Staughton Street)
  - HO132 at 325 Clarkes Road, Brookfield
  - HO133 at 2-6 Sherwin Court, 2 Killarney Drive and 2a Sherwin Court, Melton
  - HO134 at 660A Beattys Road, Bonnie Brook
  - HO135 at 1267-1289 Beattys Road, Grangefields
  - HO136 at Beattys Road, crossing of Kororoit Creek, Aintree
  - HO137 at 687 Hopkins Road, Truganina
- Amend Planning Scheme Maps as follows:
  - 7HO to include HO131 and HO132
  - 8HO to include HO133
  - 9HO to include HO134, HO135 and HO136
  - 12HO to include HO129 and HO130
  - 13HO to include HO137
- Amend the Schedule to Clause 72.04 to incorporate the *City of Melton Heritage Assessments Project 2018: Statements of Significance*.

#### (ii) The subject land

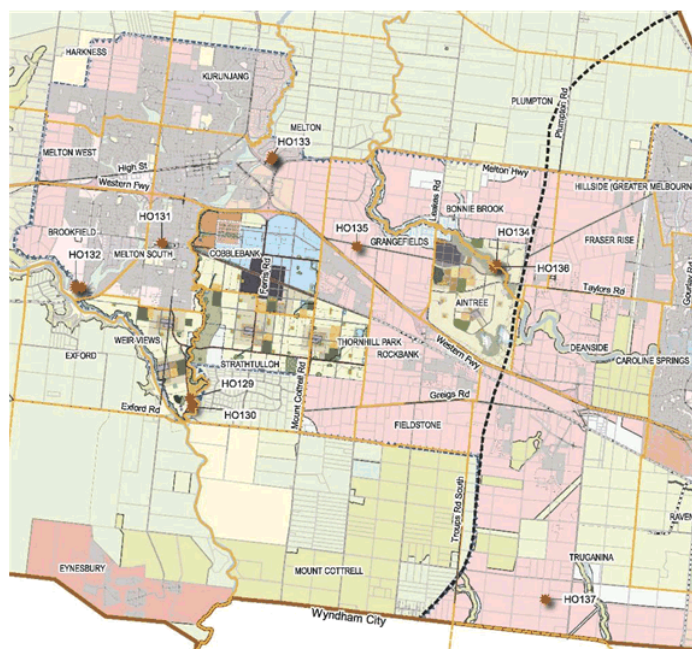
The nine heritage places are located in various parts of the municipality within the Urban Growth Boundary.

There are four places that have serial listings (HO132, HO133, HO135 and HO136).

During the Hearing, Council proposed minor changes to the description of the address of several heritage places. These changes are discussed in the report.

The general location of each heritage place is shown in Figure 1.

Figure 1 Location of proposed heritage places.



Source: Council, Part A Submission

## 1.2 Background

Council submitted that there were several background studies that provided important context to the Amendment.

### Shire of Melton Heritage Study, May 2007

The Melton Heritage Study identified and assessed places of cultural heritage significance in the municipality. The Melton Heritage Study was completed in two stages.

Stage 1 involved:

- preparation of a thematic history of post-contact settlement and development of the study area (the whole of the municipality)
- identification of all post-contact places of potential cultural significance
- estimation of the resources required to fully research, document and assess the cultural significance of all the places identified in Stage 1.

Stage 2 included:

- assessment and documentation of the identified places of post-contact cultural significance against the Australian Heritage Commission's criteria
- review of the thematic environmental history
- provision of recommendations for statutory registers
- provision of recommendations for a heritage conservation program for the study area.

Council submitted that Stage 2 identified and assessed 191 places of cultural heritage significance with the following results:

- 109 places were recommended for inclusion on the Schedule to the Heritage Overlay of the Planning Scheme
- 8 places were recommended for inclusion on the Victorian Heritage Register
- 56 places were listed and identified as “Conservation Desirable”
- 22 places were listed as “places that might be worthy of heritage protection in a future study”
- 61 ‘historical and potential archaeological places’ were identified.

Stage 2 of the Melton Heritage Study was adopted by Council in 2007 and exhibited as part of Amendment C71 to the Planning Scheme.

Amendment C71 was gazetted on 26 August 2010, with the effect that 110 places were included in the Schedule to the Heritage Overlay (108 places of local significance and two places of State significance) and the *Shire of Melton Heritage Study Stage 2: Volume 6 – Statements of Significance* was introduced as an incorporated document (among other changes).

The entire Melton Heritage Study is a reference document at Clause 21.07 of the Planning Scheme.

#### **Melton Dry Stone Walls Study, August 2011**

The *Melton Dry Stone Walls Study, August 2011*, was adopted by Council in 2011 and identified, surveyed and classified all dry stone walls in the municipality. It developed a methodology for assessing the significance of dry stone walls, and recommended that a number of dry stone walls be included in the Schedule to the Heritage Overlay.

This work identified the dry stone walls within the ‘Beattys Road Precinct’ as ‘conservation desirable’, noting the dry stone walls’ association with other cultural heritage places of high interest such as the Water Reserve.

#### **City of Melton Heritage Strategy 2017-2021**

The *City of Melton Heritage Strategy 2017-2021* was adopted by Council on 18 September 2017 and provides a strategic framework for the identification, conservation and monitoring of heritage assets, sites and features in the municipality via a series of themes, goals, objectives and actions.

In association with the theme ‘protecting and managing’, a key action is to:

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 Heritage Assessments Project forms the basis of the proposed Amendment.

Council submitted that the Heritage Assessments Project is consistent with the strategic actions identified in the *City of Melton Heritage Strategy 2017-2021* and builds on the work and recommendations in the Melton Heritage Study.

The Heritage Assessments Project was prepared by RBA Architects and Conservation Consultants and assessed 13 places which were identified for further investigation in the Melton Heritage Study. Council submitted that these sites were selected for assessment as part of the Heritage Assessments Project due to their location within the Urban Growth Boundary and susceptibility to redevelopment in the near future.

Council submitted that it proposed to investigate a range of other sites identified in the Melton Heritage Study for further assessment as part of separate studies in the future.

The Heritage Assessments Project is discussed in further detail in Chapter 2.2.

### 1.3 Authorisation

By letter dated 8 November 2019 a delegate of the Minister for Planning authorised Council to prepare the Amendment subject to a number of conditions:

- Heritage citation HO132 to be updated to include specific details of the Sugar Gums which are sought to be included in the HO. This should include details of their exact location, age, and height. The associated map (7HO) must include all trees which are proposed to be included in the overlay.
- The address provided for the site proposed to be included in HO134 to be updated to accurately show the correct site. The address must be consistent throughout the Statement of Significance, Schedule to 43.01 and the Explanatory Report.
- The correct address for heritage citation HO129 is 344-384 Exford Road, Weir Views. The citation and all associated documents to be updated to reflect this.
- Consequential updates to all documents as a result of the above conditions.<sup>1</sup>

The authorisation letter also included a number of comments with respect to HO134 (Water Reserve, Beattys Road).

Council submitted that all of the conditions and comments were addressed to the satisfaction of DELWP. Council noted that agreement was ultimately reached with DELWP that the correct address for HO129 was 398-428 Exford Road, Weir Views.

### 1.4 Interim heritage controls

Council submitted that following exhibition of the Amendment it sought to apply interim Heritage Overlays via several amendments in response to development applications for some of the heritage sites. Council provided a detailed account of the various interim heritage controls and these matters are summarised below.

#### Amendment C199

On 12 November 2018, Council requested that the Minister for Planning authorise Amendment C199 and apply the Heritage Overlay on an interim basis to:

- 398 - 428 Exford Road, Weir Views (Exford Road House) (HO129)<sup>2</sup>
- 430 - 458 Exford Road, Weir Views (Staughton Infant Grave) (HO130).

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<sup>1</sup> Document 6

<sup>2</sup> The address for this site was described in Amendment C199 as 344-384 Exford Road, Weir Views



Amendment C199 was approved by the Department of Environment, Land, Water and Planning (DELWP) under delegation from the Minister for Planning on 17 April 2019 and gazetted on 24 April 2019.

#### **Amendment C221**

On 11 June 2020, Council requested that the Minister for Planning authorise Amendment C221 and apply the Heritage Overlay on an interim basis to:

- 2-6 Sherwin Court, 2A Sherwin Court and 2 Killarney Drive, Melton (Tara Stud) (HO133).

Council submitted that on 11 August 2020 the house at 2-6 Sherwin Court, Melton was lawfully demolished. The house was part of the Tara Stud, along with the outbuildings and trees at 2A Sherwin Court and 2 Killarney Drive respectively. Amendment C221 was pending gazettal at the time of demolition.

Amendment C221 was approved by DELWP under delegation from the Minister for Planning on 27 July 2020 and gazetted on 13 August 2020.

#### **Amendment C223**

On 6 July 2020, Council requested that the Minister for Planning authorise Amendment C223 and apply the Heritage Overlay on an interim basis to the former Melton Stud, 325 Clarkes Road, Brookfield (HO132).

On 6 August 2020, in response to advice from DELWP, Council requested that Amendment C223 also apply the Heritage Overlay on an interim basis to:

- Behlen Shed, Brooklyn Road, Melton South (on the railway reserve, part of 2-98 Staughton Street) (HO131)
- Water Reserve, 660A Beattys Road, Bonnie Brook (HO134)
- Former Fulham Park, 1267 - 1289 Beattys Road, Grangefields (HO135)
- Beattys Bridge, Beattys Road, crossing of Kororoit Creek, Aintree (HO136)
- Tibbermore, 687 Hopkins Road, Truganina (HO137).

On 14 August 2020, in response to further advice from DELWP, Council requested that the extent of the Heritage Overlay to be applied to the former Melton Stud (HO132) on an interim basis be reduced to remove the Sugar Gum trees from the extent of the interim Heritage Overlay. These adjustments to the extent of the polygon were consistent with Council's review of submissions, further assessment of the site and its preferred revised post-exhibition position with respect to this heritage place.

Amendment C223 was approved by DELWP under delegation from the Minister on 20 October 2020, and gazetted on 12 November 2020.

### **1.5 Procedural issues**

#### **(i) Hearing format**

Due to COVID-19 and the associated physical distancing requirements, the Hearing was conducted using the video conferencing platform Microsoft Teams. Details regarding these arrangements were distributed to all parties before the commencement of the Hearing. No party objected to the Hearing proceeding by video conference.

The Panel was cognisant of the need to ensure that all parties were provided with appropriate procedural fairness. The Panel is satisfied that the Hearing provided all parties with a reasonable opportunity to be heard and appreciates the co-operation of all parties in these unusual circumstances.

**(ii) Site inspections**

The Panel completed an unaccompanied site inspection of all proposed heritage places on 4 December 2020. This involved inspection from the public domain and did not include internal inspection of any of the heritage places.

The Panel also relied on numerous photographs presented during the Hearing to supplement its own site inspections. These photographs often included close up views or perspectives not possible from the public domain. The photographs were of particular benefit in circumstances where visibility of a site was difficult from a distance.

The Panel is generally satisfied that it has 'viewed' all of the proposed heritage places sufficiently in the circumstances.

**(iii) Requests to be Heard**

Initially, there were four submitters who requested to be heard at the Panel Hearing, including:

- Submitter 3 (VicTrack) regarding HO131 (Behlen Shed)
- Submitter 5 regarding HO135 (Former Fulham Park)
- Submitter 6 (Sungenia (Ingenia) Brookfield Dev Co Pty Ltd) regarding HO132 (Former Melton Stud)
- Submitter 8 (Department of Transport) regarding HO131 (Behlen Shed).

At the Directions Hearing, VicTrack and the Department of Transport advised the Panel they wanted to withdraw their request to be heard, although they both wanted their original submissions to stand and be considered by the Panel.

Prior to the main Hearing, representatives for Submitter 6 advised the Panel that the post-exhibition changes to HO132 proposed by Council satisfied all of the concerns of the owners and they no longer sought to make a presentation at the Hearing. By email to the Panel on 1 December 2020 (Document 30), the submitter confirmed they endorsed all of the post-exhibition changes made with respect to HO132.

The Panel notes that it has considered all submissions made to the Amendment, including from those submitters who did not request to be heard at the Panel Hearing.

**(iv) Post-exhibition changes**

Council presented a number of 'post-exhibition' changes at the Panel Hearing. Many of these changes were flagged in general terms in the Council officer report presented to Council on 14 September 2020. Other minor drafting changes were also suggested by Council.

On 14 September 2020, Council resolved to:

- Request the Minister for Planning establish an independent planning panel to consider unresolved submissions received in response to Amendment C198 in accordance with the Planning and Environment Act 1987.

- Authorise the General Manager of Planning and Development and the Manager City Design, Strategy and Environment to negotiate and resolve issues that are raised during the independent planning panel process prior to Amendment C198 being reported back to Council for consideration.

In response to this resolution and the specific issues raised in submissions, Council officers prepared extensive revisions to the proposed Heritage Overlay maps, Statements of Significance and other related documentation. Council advised that these revisions were sent to all submitters prior to the Hearing for information and comment.

The Panel appreciates the extensive work completed by Council to try and resolve as many issues as possible. Council is commended for taking a proactive approach which has helped to narrow the issues in dispute.

The Panel notes that it is required to consider the exhibited Amendment and all submissions referred to it, including submissions from Council and its preferred position having regard to the submissions.

## 1.6 Summary of issues raised in submissions

Council stated in its Part A submission:

Council received 10 submissions (plus two supplementary submissions) in response to exhibition of the Amendment.

Of the 10 submissions received:

- one submission supported the Amendment;
- one submission was neutral; and
- eight submissions (plus two supplementary submissions) objected to the Amendment.

Council considered the submissions at its meeting on 14 September 2020 and resolved to refer those submissions which were unresolved to the Panel.<sup>3</sup>

The two 'supplementary submissions' were additional submissions from the same two parties and were treated as Submission 2a and 2b (collectively known as Submission 2) and Submission 5a and 5b (collectively known as Submission 5).

The Panel received copies of submissions from nine submitters – eight submissions objected to the Amendment and one submission supported the Amendment. The submission in support of the Amendment was from the Victorian Planning Authority (VPA).

In response to questions from the Panel, Council said the 'tenth' submission was made by DELWP (Environment) on 27 July 2020. Council said that DELWP had "no objection" to the Amendment, particularly with respect to HO134 (Water Reserve) and HO136 (Beattys Bridge) which are proposed on Crown land.

The Panel was not provided with a copy of the DELWP submission. Council advised that only 'unresolved' submissions were referred to the Panel.

The Panel noted to Council that the VPA submission (which supported the Amendment) was forwarded to the Panel. Council noted that the VPA submission was dated 16 September 2020 and was received after the Council meeting on 14 September 2020.

The Panel has considered all submissions referred to it.

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<sup>3</sup> Document 3, paragraphs 97-99

The objections were generally from land owners within the Amendment area and related to issues including:

- Site specific issues regarding:
  - dispute over the heritage significance of the place
  - the degree of intactness and integrity of individual properties to be included in the Heritage Overlay
  - the boundary of the proposed Heritage Overlay.
- Other issues such as:
  - the impact on development potential
  - the impact on property values and the imposition of other financial burdens to maintain a heritage property
  - concerns over the structural condition of buildings.

### **1.7 The Panel's approach**

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

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

This Report deals with the issues under the following headings:

- Planning context
- Site specific issues
  - HO129 – House, 398-428 Exford Road, Weir Views
  - HO130 – Staughton Infant Grave, 430-458 Exford Road, Weir Views
  - HO131 – Behlen Shed, Melton South
  - HO132 – Former Melton Stud, 325 Clarkes Road, Brookfield
  - HO133 – Tara Stud, Killarney Drive and Sherwin Court, Melton
  - HO135 – Former Fulham Park, 1267-1289 Beattys Road, Grangefields
  - HO137 – Tibbermore, 687 Hopkins Road, Truganina
- Other issues:
  - Restricting development opportunities and impact on property values
  - Structural condition
- Drafting issues.

As there was no objection to HO134 (Water Reserve) or HO136 (Beattys Bridge) the Panel has not specifically addressed these sites. Where relevant, minor drafting issues with respect to these places are dealt with in the chapter regarding drafting issues.

## 2 Planning context

### 2.1 Planning policy

Council submitted that the Amendment is supported by planning policy, which the Panel has summarised below.

#### 2.1.1 Planning and Environment Act 1987

The Amendment implements the following objectives of planning in Victoria, under Section 4 of the *Planning and Environment Act 1987*:

4(1)(a) to provide for the fair, orderly, economic and sustainable use, and development of land

4(1)(c) to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria

4(1)(d) 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

4(1)(f) to facilitate development in accordance with the objectives set out in paragraphs (a)... (c), (d) ...

4(1)(g) – to balance the present and future interests of all Victorians.

Council submitted the Amendment is consistent with these objectives by ensuring that the heritage significance of the places is protected and that heritage matters are considered as part of any planning permit applications for the nominated sites. This was said to represent an appropriate balancing of the present and future interests of all Victorians – the conservation and enhancement of places of established local significance, and the facilitation of development in accordance with the requirements of the Heritage Overlay.

#### 2.1.2 Planning Policy Framework

##### Clause 15 (Heritage)

The Planning Policy Framework (PPF) at Clause 15.03-15 of the Planning Scheme includes the objective to ensure “*the conservation of places of heritage significance*” and a range of Strategies including:

Identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme.

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 of a heritage place.

Ensure an appropriate setting and context for heritage places is maintained or enhanced.

**Clause 21 (Municipal Strategic Statement)**

The Amendment is consistent with the objectives and strategies outlined in the Local Planning Policy Framework (LPPF), particularly Clause 21.07 (Built Environment and Heritage) of the Municipal Strategic Statement (MSS).

Clause 21.07-3.1 states:

The City of Melton is the boundary between two tribes of the Kulin nation: the Wurundjeri to the east of the Werribee River and the Wathaurong on the west side of the Werribee River. The remnant grassland landscape, river and creek valleys and volcanic cones of the City provide reminders of indigenous stewardship and occupation of the land.

...

The City of Melton was first settled by European pastoralists in the 1830s and 1840s, attracted to the extensive volcanic grasslands, deep creeks and easy access to ports at Melbourne and Geelong. Most of the City was taken up by three large pastoral holdings, Exford, Greenhills and Rockbank. These properties left a legacy of elegant homesteads and outbuildings, dry stone walls, dams, historic roads, fords and bridges. In the late nineteenth century smaller farmers moved into the area, as the large estates were broken up. These settlers created small dairy holdings, took up cropping and processed chaff, planted shelter belts, built wooden homesteads and constructed more dry stone walls. The dry-stone wall landscape of the City is expressive of both the natural history of the volcanic creation of the area and the cultural history of its human modification.

The MSS recognises that:

- the municipality has a variety of significant natural and cultural heritage places and landscapes associated with pre-contact, post-contact settlement and pastoral activity that is fundamental to the city's identity (Clause 21.01-1)
- protecting the municipality's heritage assets contributes to an attractive environment and creates an important sense of place (Clause 21.07-1.1)
- the dry stone wall landscape of the City is expressive of both the natural history of the volcanic creation of the area and the cultural history of its human modification (Clause 21.07-3.1)
- identification and planning around heritage assets in the early stages of Precinct Structure Planning is critical in ensuring cultural values are protected and enhanced (Clause 21.07-3.1).

Clause 21.07-3.1 goes on to state that the City of Melton faces a range of issues in relation to heritage, including:

- recognising and retaining the City's cultural heritage which creates an important sense of local identity for existing and future residents
- protecting recognised sites and precincts that are of national, state and local level significance
- integrating heritage features into future urban development and planning for growth areas
- protecting dry stone walls in developing urban areas.

In order to address and overcome these issues, it is an objective of the MSS *"to protect, conserve and enhance places of historic, aboriginal, and cultural significance"* (Clause 21.07-3.3).

The Amendment supports the MSS and local planning policies at Clause 21.07 by:

- ensuring that places of cultural heritage significance are protected, conserved and enhanced
- supporting the retention of places listed in the ‘Conservation Desirable’ schedule of the Melton Heritage Study
- supporting the identification and interpretation of archaeological, historical and cultural significance
- supporting the retention of roadside dry stone walls
- applying the Heritage Overlay to places of identified heritage significance as documented in the Heritage Assessments Project
- advocating for the protection, adaptation and conservation of heritage places and dry stone walls in growth areas.

**Clause 22 (Local Planning Policies)**

The Amendment (specifically HO134) also supports local planning policies at Clause 22.14 (Dry Stone walls) by:

- encouraging the retention and conservation of dry stone walls
- discouraging the full demolition or removal of a dry stone wall
- encouraging the conservation and repair of dry stone walls.

**2.2 Other relevant planning strategies and policies**

**(i) Plan Melbourne**

*Plan Melbourne 2017-2050* (Plan Melbourne) 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. Outcomes that are particularly relevant to the Amendment are set out in Table 1.

**Table 1 Relevant parts of Plan Melbourne**

Outcome	Directions	Policies
4 Melbourne is a distinctive and liveable city with quality design and amenity	4.4 Respect Melbourne’s heritage as we build for the future	4.4.1 Recognise the value of heritage when managing growth and change 4.4.3 Stimulate economic growth through heritage conservation 4.4.4 Protect Melbourne’s heritage through telling its stories

**(ii) Background studies**

Chapter 1.2 of the Report provides discussion regarding a number of relevant background studies including:

- *Shire of Melton Heritage Study, May 2007*

- *Melton Dry Stone Walls Study, August 2011*
- *City of Melton Heritage Strategy 2017-2021.*

**(iii) City of Melton Heritage Assessments Project 2018**

The context for the preparation of the Heritage Assessments Project is discussed in Chapter 1.2 of the Report.

The Heritage Assessments Project was prepared in accordance with (among other things):

- the Australia ICOMOS Charter for the Conservation of Places of Cultural Significance, 2013 (Burra Charter)
- Planning Practice Note 1, Applying the Heritage Overlay (PPN01)
- the Hercon criteria.

The Heritage Assessments Project provided the foundation upon which the Amendment is based. It investigated 13 places previously identified in the Melton Heritage Study for further investigation.

The Melton Heritage Study identified 10 of the heritage places investigated in the Heritage Assessments Project as 'Conservation Desirable'. The Melton Heritage Study defined this term to mean:

The conservation of these places should be encouraged. Consideration should be given to preparing a heritage assessment on the places prior to any development proposal that might impact on them, and they should be considered for consideration in a future heritage study.

The 10 places identified as 'Conservation Desirable' included<sup>4</sup>:

- No. 76– House (Cottage) at 3 Diggers Rest-Coimadai Road, Diggers Rest
- No. 183 – Melton Stud (Former) at Clarkes Road, Melton South
- No. 239 – Tara Stud and House at Sherwin Court, Melton
- No. 271 – House at Exford Road, Weir Views
- No. 312 – Water Reserve at Beattys Road, crossing of Kororoit Creek, Bonnie Brook
- No. 316 – Cottage (former Fulham Park) at 1267 Beattys Road, Grangerfields
- No. 318 – Beattys Bridge (timber derelict) at Beattys Road, over Kororoit Creek, Rockbank
- No. 371 – House at 405 Greigs Road, Truganina
- No. 392 – House (Tibbermore) and farm at 687 Hopkins Road, Truganina
- No. 452 – House (Stoneleigh) at Troups Road, Truganina.

A further two places were investigated in the Heritage Assessments Project that were identified in the Melton Heritage Study as 'Places that might be worthy of heritage protection in a future study'. The Melton Heritage Study identified a total of 22 such places and defined this term to mean:

These 22 places do not meet the relevant Assessment Criteria and Significance Thresholds to warrant inclusion as a heritage overlay in the Melton Planning Scheme. But with inevitable losses of existing heritage places, and with developments in understanding heritage and changing criteria, they might be reassessed in a future Heritage Study.

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<sup>4</sup> Property identification numbers from Melton Heritage Study



The two places identified as 'Places that might be worthy of heritage protection in a future study' that were investigated as part of the Heritage Assessments Project include:

- No. 170 – Melton Produce / Trethowan's grain store at Brooklyn Road, Melton
- No. 374 – House at 845 Greigs Road, Thornhill Park.

Council submitted that a further heritage place (No. 270 – Grave at Exford Road), was not included in Stage 2 of the Melton Heritage Study, but was identified as a potential heritage site in Stage 1 and was considered to be an urgent inclusion in the Heritage Assessments Project due to a development application for the land.

The Heritage Assessments Project concluded that of the 13 possible heritage places:

- nine places (those the subject of the Amendment) 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 local significance.

The four places that did not meet the threshold for local significance included:

- No. 76 – House (Cottage) at 3 Diggers Rest-Coimadai Road, Diggers Rest
- No. 371 – House at 405 Greigs Road, Truganina
- No. 374 – House at 845 Greigs Road, Thornhill Park
- No. 452 – House (Stoneleigh) at Troups Road, Truganina.

The Heritage Assessments Project included detailed citations for the nine recommended heritage places and forms the basis of the Amendment.

## **2.3 Planning Scheme provisions**

### **(i) Zones**

The heritage places subject to the Amendment are within a variety of different zones, including:

- Urban Growth Zone (HO129, HO130, HO135 and HO137)
- Public Use Zone Schedule 4 (Transport) (HO131)
- General Residential Zone Schedule 4 (HO132)
- Low Density Residential Zone (HO133)
- Rural Conservation Zone (HO134 and HO136).

### **(ii) Heritage Overlay**

The purposes of the proposed Heritage Overlay are:

- 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.

**(iii) Precinct Structure Plans**

Several heritage places are located in areas subject to Precinct Structure Plans (PSP) in various stages of completion:

- HO129 and HO130 are within the Toolern PSP – approved
- HO134 and HO136 are within the Rockbank North PSP - approved
- HO135 is within the Melton East PSP – yet to be prepared
- HO137 is within the Chartwell East PSP – yet to be prepared.

**2.4 Ministerial Directions and Practice Notes****Ministerial Directions**

The Amendment is consistent with the Form and Content of Planning Scheme Ministerial direction under section 7(5) of the *Planning and Environment Act 1987* (the Act).

The Amendment is consistent with Ministerial Direction No. 9 – Metropolitan Strategy pursuant to Section 12 of the Act - that requires planning authorities to have regard to the Metropolitan Strategy (Plan Melbourne).

The Amendment is consistent with Ministerial Direction 11 - Strategic Assessment Guidelines by:

- supporting the Planning Policy Framework and the Local Planning Policy Framework
- making proper use of the Victorian Planning Provisions through the use of the Heritage Overlay to protect areas of local heritage significance
- applying the Heritage Overlay consistent with Planning Practice Note 1 - Applying the Heritage Overlay.

**Planning Practice Notes**

Planning Practice Note 1 - Applying the Heritage Overlay (PPN01) 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.

PPN01 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).

## **2.5 Discussion and conclusion**

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 PPF, and is consistent with the relevant Ministerial Directions and Practice Notes. The Amendment is well founded and strategically justified, and the Amendment should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

### 3 Site specific issues

#### 3.1 Introduction

The Panel notes that the Heritage Assessments Project includes detailed heritage citations for each of the heritage places. The proposed Statements of Significance are derived from these citations.

The Amendment does not propose to include the Heritage Assessment Project (the report) or the detailed citations as reference documents in the Planning Scheme. Council submitted that the relevant and important parts of the citations had been included within the Statements of Significance. The Statements of Significance are proposed to be included within the Planning Scheme as Incorporated Documents.

The Panel acknowledges and supports this approach.

Council submitted various changes to many of the citations included within the Heritage Assessments Project as part of the refinement of the Amendment. The post-exhibition changes to the Statements of Significance were based on the changes to the citations.

The Panel accepts that Council has been thorough in updating the citations, however the Panel makes no specific comment on the content of the citations and makes no recommendations regarding changes to the citations. The Panel's comments are confined to the Statements of Significance and the associated matters to be included within the Planning Scheme.

It is a matter for Council to determine what, if anything, it wants to do with the updated heritage citations.

All photos in this chapter are sourced from the exhibited Statement of Significance or the evidence statement of Mr Hemingway.

#### 3.2 HO129 – House, 398-428 Exford Road, Weir Views

Figure 2 House at 398-428 Exford Road, Weir Views



**(i) The issues**

The issues are:

- whether there is sufficient justification to apply the Heritage Overlay to the house at 398-428 Exford Road, Weir Views
- whether the extent of the Heritage Overlay is appropriate
- whether the Statement of Significance is appropriate
- whether external paint controls should apply to the house.

**(ii) Exhibited Statement of Significance**

What is significant?

The Federation weatherboard house at 398-428 Exford Road, Weir Views.

The weatherboard house originally had a symmetrical façade. It was later extended at the northern end in a similar manner to the original section so that the entry is located off-centre (towards the southern end). Two red brick chimneys survive to the southern elevation and the roof is clad in corrugated sheet metal. The original double hung sash windows have vertical glazing bars (that is the sashes are two-paned).

How is it significant?

The 'House' is of local historical and representative significance to the City of Melton.

Why is it significant?

The house at 398-428 Exford Road, Weir Views is historically significant for being an early weatherboard house, likely to have been constructed during the first decade of the 20th century. It is one of a few such buildings in the City which are a testament to its rural history.

The Federation period house has associations with the Exford Estate, of which it formed part until the turn of the 21st century. It was probably built for a farm manager or the like. The house faces the northern group of outbuildings to Exford Homestead (located on the opposite side of the road), including the woolshed, coach house and former blacksmith's forge and residence. Though the residence is now separated from these buildings by Exford Road, the house maintains a visual relationship with the outbuildings and was likely erected before the road was created in 1911. The Exford Estate is significant for its associations with the earliest phase of European occupation of the Port Phillip District (later Victoria). Initially occupied by Dr John Watton, a member of the Port Phillip Association, it was taken over by Simon Staughton in 1842 and was retained by the Staughton family (Harry Werribee and Harold Werribee) until the late 1920s. (Criterion A)

The house is of representative significance for being a relatively intact example of turn of the century house. It has a distinct lack of detailing, not uncommon for timber houses in a rural location. In its appearance, it is similar to the other houses built about the turn of the 20th century associated with the Closer Settlement Scheme that was undertaken on Exford holdings. (Criterion D)

**(iii) Evidence and submissions**

Submission 4 objected to the inclusion of the site within a Heritage Overlay. It relied on a two-page 'memorandum of advice' from Peter Barrett, Architectural Conservation Consultant, who stated that the Statement of Significance is not conclusive about the history and importance of the house and only speculates that it was:

- ... likely to have been constructed during the first decade of the 20th century
- ... probably built for a farm manager or the like
- ... likely erected before the road was created in 1911.

The submission said that further work was needed to understand the history of the site to determine whether it was appropriate to include within a Heritage Overlay. It recommended that the Heritage Overlay should not proceed until this work had been completed.

Submitter 4 did not request to be heard and relied on its original submission.

Council called Mr Hemingway of RBA Architects and Conservation Consultants to give evidence. Mr Hemingway is an experienced Architectural Historian and was involved with the preparation of the Heritage Assessments Project.

Mr Hemingway gave evidence that:

- due to the lack of some records in the Municipality, many of the existing Heritage Overlays are dated 'circa' from the late 19th and early 20th century
- there are often difficulties in dating many Victorian and Federation period places in regional areas without the advantage of more prevalent historic documentation (such as Melbourne and Metropolitan Board of Works plans) which are easily sourced for metropolitan and larger regional centres
- further research on the history and fabric of the house and a site visit on 3 July 2020 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
- the chimney of the house was, in particular, demonstrative of the Victorian Survival type
- the extent of the exhibited Heritage Overlay includes the house and a curtilage of 10 metres but extends to the front boundary so as to maintain the visual relationship with the northern group of outbuildings to the Exford Homestead site on the west side of Exford Road
- his review of the site confirmed the extent of the Heritage Overlay was appropriate and no changes were required.

Mr Hemingway confirmed that the house meets the threshold of local significance and that the exhibited Statement of Significance was acceptable and appropriate. He recommended that the Statement of Significance should be modified slightly by:

- under 'What is significant?', refer to the house as a "Federation period weatherboard ..."
- under 'Why is it significant?', modify the last paragraph regarding Criterion D to note that "*Whilst its chimney detailing in particular identifies the house as dating to the Federation period, it is an example of the Victorian survival type.*"

Council supported the minor changes to the Statement of Significance recommended by Mr Hemingway and the post-exhibition version of the Statement of Significance presented by Council (Document 11b) reflected these changes.

Consistent with these changes, the post-exhibition version of the Schedule to Clause 43.01 also modified the description of the heritage place in column 2 to refer to "*The heritage place is the Federation period weatherboard house ...*".

The post-exhibition version of the Schedule to Clause 43.01 showed column 3 'External paint controls apply?' with the response 'No'. The exhibited version of the same provision applied external paint controls by including the word 'Yes' in column 3.

The Panel questioned Mr Hemingway about this change to the Schedule. He responded that he did not recommend any change to the exhibited version and that external paint controls should continue to apply. He considered the change to be an error.

Council confirmed that it had no intention to remove external paint controls from the site and that the exhibited control should continue to apply for this matter.

**(iv) Discussion**

The Panel accepts that there is sufficient justification to warrant the inclusion of the house at 398-428 Exford Road, Weir Views within HO129. It is satisfied that the Statement of Significance is based on thorough and appropriate research and is well founded having regard to the limitations of available historical information.

The Panel acknowledges the challenges expressed by Mr Hemingway with respect to the difficulties of attributing precise dates to the construction of buildings in instances where records are poor. The research completed by Mr Hemingway has, however, demonstrated sufficient clarity about the site to confirm that it has reached the threshold of local significance and it is appropriate to apply the Heritage Overlay in this instance.

The Panel agrees with Mr Hemingway that the exhibited Heritage Overlay boundary provides an appropriate setting for the place. The application of the proposed boundaries is generally consistent with the principles discussed in PPN01 with respect to heritage places on large rural land parcels.

The Panel accepts that the recommended changes to the Statement of Significance are appropriate and, although minor, they help to clarify specific details.

The minor change to the description of the heritage place in column 2 of the Schedule to Clause 43.01 is also appropriate and consistent with the changes to the Statement of Significance.

The Panel agrees that the external paint controls should apply to the site and that the exhibited controls in this regard should not be modified.

**(v) Conclusions and recommendations**

The Panel concludes:

- The house at 398-428 Exford Road, Weir Views has local heritage significance and should be included within HO129.
- The proposed extent of the Heritage Overlay boundary of HO129 is appropriate.
- The Statement of Significance for HO129 should be modified:
  - under the heading 'What is significant?' to refer to the "... Federation period weatherboard house ..."
  - under the heading 'Why is it significant?' to modify the last paragraph regarding Criterion D to note that "Whilst its chimney detailing in particular identifies the house as dating to the Federation period, it is an example of the Victorian survival type".
- The description of the heritage place in column 2 of the Schedule to Clause 43.01 should be modified to refer to the "... Federation period weatherboard house ..."
- As exhibited, external paint controls should apply to the house.

The Panel recommends:

**Amend the Statement of Significance for HO129 House at 398-428 Exford Road, Weir Views as shown in the Panel preferred version in Appendix C1.**

**Amend the description of the heritage place for HO129 in column 2 of the Schedule to Clause 43.01 as shown in the Panel preferred version in Appendix C4.**

### 3.3 HO130 – Staughton Infant Grave, 430-458 Exford Road, Weir Views

Figure 3 Staughton Infant Grave



Figure 4 Grave Inscription





Figure 5 Stone Pine near Grave

**(i) The issues**

The issues are:

- whether there is sufficient justification to apply the Heritage Overlay to the grave at 430-458 Exford Road, Weir Views
- whether the extent of the Heritage Overlay is appropriate
- whether the Statement of Significance is appropriate.

**(ii) Exhibited Statement of Significance**

What is significant?

The grave at 430-458 Exford Road, Weir Views, and its associated setting including the nearby copse of trees and the view to the valley of Toolern Creek to the east. The gravestone is comprised of a rectangular basalt base with a bevelled upper surface, surmounted by a remnant piece of white marble (likely to have originally been a cross) bearing a carved inscription – 'Died 11th October 1880 aged 9 months and 20 days'. The grave is almost certainly that of infant Rupert Werribee Staughton, the fourth child of Harry Werribee and Anna Maria Staughton who owned the Exford Estate.

How is it significant?

The grave is of local historical, rarity and representative significance to the City of Melton.

Why is it significant?

The grave is historically significant as one of a few, but nonetheless rare, isolated marked graves in the Municipality with its original gravestone and in its original location. It is also the only known infant grave. It has strong associations with the prominent Staughton family, and the grave site is located on land that until recently was associated with the Exford Estate. (Criteria A & B)

The small basalt and marble gravestone is of representative significance for being a partly intact and original example. The base, a small basalt plinth, remains intact however the marble component, likely to have been a cross, has been broken. (Criterion D)

**(iii) Evidence and submissions**

Submission 4 objected to the inclusion of the site within a Heritage Overlay. It relied on a two-page 'memorandum of advice' from Peter Barrett, Architectural Conservation Consultant, who stated that the Statement of Significance is not conclusive about the history and importance of the grave and only speculates that it "... is almost certainly that of infant Rupert Werribee Staughton".

The submission also stated that the last paragraph of the Statement of Significance under 'Why is it significant?' needs revision and questioned the meaning of "...the small basalt and marble gravestone is of representative significance for being partly intact and original example". The submission sought clarification as to how a grave 'partly intact' can be an 'original example', or particularly representative of a type of element.

The submission said that further work was needed to understand the history of the site to determine whether it was appropriate to include within a Heritage Overlay. It recommended that the Heritage Overlay should not proceed until this work has been completed.

Submitter 4 did not request to be heard and relied on its original submission.

Mr Hemingway gave evidence that despite the absence of historic documentation describing its original detailing:

... 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 19th 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.

...

... whilst the upper part has been lost on which the name of the child presumably was noted, the date of the passing (11 October 1880) and age of the child (9 months and 20 days) is etched in the remaining section of white marble above the basalt plinth.

The grave is located about 250 metres directly east of the Exford Homestead and less than 100 metres from Toolern Creek (further to the east).

Research into the children of Harry and Anna Staughton, who resided at Exford at this time (Harry had inherited the property in 1863 at the age of 15) indicated with great certainty that the grave must have related to their fourth child Rupert. Harry and Anna are known to have lost two of their seven children as infants – Rupert in 1880 and Reginald in 1887. Reginald, their last child, died at the age of 5 months and 4 days and is buried in St Kilda cemetery.<sup>5</sup>

Mr Hemingway said he completed research on other similar graves in Melton and noted the Staughton infant grave:

... is much later than the other principal examples in the municipality with tombstones or the like being HO45, circa 1856; HO82, 1850 to 1855, and HO124, thought to date to the late 1840s or early 1850s.

There are also three Heritage Overlays in the City of Melton which are thought to include unmarked grave sites: HO10, HO24, and HO110. The precise dates of these unidentified, 19th century grave sites are unknown.<sup>6</sup>

As a consequence, Mr Hemingway said the Statement of Significance should be modified by adding a sentence at the end of the first paragraph under the heading 'Why is it significant?' that states:

It is distinguished from the main other examples by being later, 1880 as compared to 1850s, and post-dates the establishment of the Melton cemetery in the early 1860s.<sup>7</sup>

He also recommended clarifying the first sentence of the second paragraph under the heading 'Why is it significant?' to state:

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<sup>5</sup> Document 24, paragraphs 148, 152-154

<sup>6</sup> Document 24, paragraphs 155-156

<sup>7</sup> Document 24, paragraph 157

The small basalt and marble gravestone is of representative significance for being a mostly intact example of a gravestone on a rural estate.<sup>8</sup>

Mr Hemingway said that when he inspected the site in July 2020 he noted the presence of a Stone Pine adjacent to the grave. He said:

The group of three established trees near the grave, including the (Italian) Stone Pine (*Pinus pinea*) which is often used as an ornamental specimen, was also included in the extent of the Heritage Overlay, once its presence was confirmed with the site inspection. It had been noted in the earlier study.

Distinctive exotic trees were commonly planted in the gardens of affluent, etc. during the 19th century/early 20th century and relate to the interest in botanical/scientific gardens. The species is not common in Victoria.

The well-established specimen is presumed to have been planted to demarcate the grave site and it is likely to be the only such specimen in the Municipality.<sup>9</sup>

Mr Hemingway said that the exhibited polygon for HO130 was a generalised area and that with the benefit of the additional site inspection the map could and should be more accurately defined. He agreed that the map of HO130 as shown in Document 25 represented the extent of the heritage place having regard to the relevant trees near the grave.

Mr Hemingway recommended that:

- the Statement of Significance should be modified to reflect the importance of the copse of trees including the Stone Pine near the grave
- the polygon for HO130 should be adjusted to correctly identify the recommended group of trees associated with the gravestone, with a 5 metres curtilage about the items.

Council supported all of the recommendations of Mr Hemingway with respect to the grave and the associated trees and these were expressed in Documents 12b and 25.

For consistency, Council also recommended modifying the description of the heritage place in column 2 of the Schedule to Clause 43.01 to refer to the copse of trees to the west of the grave, including the Stone Pine.

### Discussion

The Panel accepts that there is sufficient justification to warrant the inclusion of the grave at 430-458 Exford Road, Weir Views within HO130. It is satisfied that the Statement of Significance is based on thorough and appropriate research and is well founded having regard to the limitations of available historical information.

The research completed by Mr Hemingway confirms that the site has reached the threshold of local significance and it is appropriate to apply the Heritage Overlay.

The various post-exhibition modifications to the Statement of Significance recommended by Mr Hemingway with respect to the description of the grave and the associated trees are appropriate refinements.

The minor change to the description of the heritage place in column 2 of the Schedule to Clause 43.01 is also appropriate and consistent with the changes to the Statement of Significance.

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<sup>8</sup> Document 24, paragraph 158

<sup>9</sup> Document 24, paragraphs 159-161

The Panel notes that the exhibited Amendment activated the tree controls in column 5 in the Schedule to Clause 43.01. The post-exhibition changes to the description of the trees and the specification of the Stone Pine is consistent with the original intent of the Amendment.

The Panel agrees with Mr Hemingway that the exhibited Heritage Overlay boundary should be modified to better reflect the location of the trees associated with the grave. It accepts the recommendation of Mr Hemingway and Council that the polygon shown in Document 25 is appropriate.

**(iv) Conclusions and recommendations**

The Panel concludes:

- The grave at 430-458 Exford Road, Weir Views has local heritage significance and should be included within HO130.
- The Statement of Significance should be modified to clarify various aspects of the grave and note the associated copse of trees to the west of the grave, including the presence of a Stone Pine.
- The description of the heritage place in column 2 of the Schedule to Clause 43.01 should be modified to refer to the adjacent copse of trees to the west of the grave, including the Stone Pine.
- The proposed extent of the Heritage Overlay boundary of HO130 should be modified to better reflect the location of the relevant trees associated with the grave.

The Panel recommends:

**Amend the Statement of Significance for HO130 Staughton Infant Grave at 430-458 Exford Road, Weir Views as shown in the Panel preferred version in Appendix C1.**

**Amend the polygon for HO130 on Map 12HO as shown in the Panel preferred version in Appendix C2.**

**Amend the description of the heritage place for HO130 in column 2 of the Schedule to Clause 43.01 as shown in the Panel preferred version in Appendix C4.**

### 3.4 HO131 – Behlen Shed, Melton South

Figure 6 Behlen Shed



#### (i) The issues

The issues are:

- whether there is sufficient justification to apply the Heritage Overlay to the Behlen Shed
- whether the Heritage Overlay should be applied to land within Public Use Zone 4 (Transport)
- whether the Statement of Significance is appropriate.

#### (ii) Exhibited Statement of Significance

What is significant?

The mid-20th century prefabricated frameless steel shed.

The Behlen Shed is a prefabricated frameless steel structure, originally used as a grain shed/silo, with a distinct profile that allows a clear open span internally. The location of the original distribution auger/elevator is evident to the north (road) side as is another chute on the south (track) side. The format of the shed is windowless with three doorways on the track side. After it ceased being employed for grain or chaff, a large doorway was introduced to both short elevations.

How is it significant?

The Behlen Shed is of local historical and aesthetic significance to the City of Melton.

Why is it significant?

Historically the Behlen Shed is significant as reflecting the extent of facilities required to support the chaff and grain industry in the municipality but particularly in the Melton South area, where the quality of the local grain and chaff was long recognised. It was erected during the mid-1960s for the Grain Elevator Board and was probably built as a storage shed initially with the elevator (distribution auger) and chute added by 1970. Due to the loss of the two nearby chaff mills to fire (in 1977 and 1987), the Behlen Shed is a potent reminder of the chaff mill and associated industry in the municipality generally but especially in the Melton South area where it was a major industry. (Criterion A)

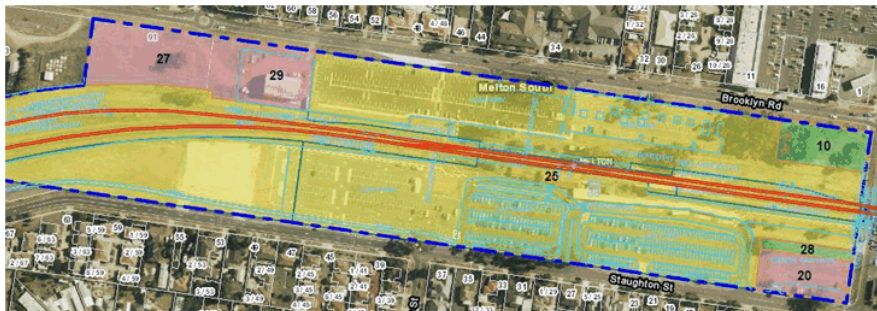
The Behlen Shed is aesthetically significant as an imported prefabricated structure utilising the frameless Dubl-Panel system developed by the Behlen Manufacturing Company of Nebraska, USA. It was one of probably only 13 employed by the Grain Elevators Board of Victoria. The structure is frameless, has a distinct undulating profile, consisting of a variety of secondary corrugations, etc. imprinted in the sheets, which provides its inherent strength. (Criterion E).

### (iii) Evidence and submissions

The Behlen Shed is located at 2-98 Staughton Street, Melton South. The site:

- forms part of a broader landholding owned by VicTrack associated with the Melton South Railway Station
- is within Public Use Zone 4 (Transport) (PUZ4) - as shown by the blue dashed line in Figure 7
- is also known as 'Lot 29' within the Railway Reserve – as shown in Figure 7
- is approximately 2,464 square metres
- is accessed from Brooklyn Road (although its official address is Staughton Street)
- is currently privately leased for a non-railway use
- is approximately 200 metres west of the main building associated with the Melton South Railway Station
- abuts the Melton South Railway Station car park to the east.

Figure 7 Melton South Railway Reserve – within blue dashed line (Behlen Shed located on Lot 29).



Source: VicTrack Submission

VicTrack (Submission 3) objected to the application of the Heritage Overlay on the Behlen Shed and submitted:

- the site is “a large transport holding” in close proximity to the station and is therefore a strategic site within the Melton Station rail corridor
- the land is required to provide future capacity for transport infrastructure in Melton which may involve train stabling or additional commuter car parking in the future
- land around the station is finite “and it is not sustainable for the transport system to lose such large sites due to a Heritage Overlay, which is likely to render the site un-useable for transport requirements going forward”
- except in exceptional circumstances, railway land should be kept clear of overlays
- PUZ4 provides for ‘as of right’ use and development associated with transport uses and this is to facilitate transport use and development on transport land
- additional overlays placed on PUZ4 land undermines the operation of the zone and adds significant cost and delay to the delivery of transport infrastructure

- the placement of the Heritage Overlay *“will render the entire site completely un-useable for transport uses as the Heritage Overlay is likely to prevent demolition of the building”*
- the Behlen Shed has *“marginal historical and aesthetic value”* and *“this is reflected in the designation of Criterion E in the RBA Study”*.

The submission stated:

Given the marginal heritage value of the building (Criterion E) and the site’s strategic location at Melton Station, we do not believe that placement of the Heritage Overlay on this site is appropriate in relation to the transport system’s current and future requirements and we do not support the amendment.<sup>10</sup>

The Department of Transport (Submission 8) also objected to HO131. It referred to the VicTrack submission and repeated the same concerns expressed by VicTrack.

Mr Hemingway gave evidence and disagreed that the place has marginal historical and aesthetic value and noted that the Statement of Significance refers to Hercon Criterion A (historical) and Criterion E (aesthetic) significance.

He said:

- the Behlen Shed is a landmark building in South Melton, reminiscent of 19th century goods sheds in other railway stations across Victoria and which similarly often were designed in a standardised way
- the design is noteworthy in that it is frameless with the structural strength provided by the varying corrugated profile of the sheeting and the tie rods located to the upper wall
- internally, the space has a clear open span and allows for a wide range of uses
- the varying corrugated profile of the sheeting provides a distinctive external appearance unlike most standard sheds with flatter sheeting (standard corrugated sheet metal or profiled sheet metal and attached to frame) evident in Australia
- the regular pattern of riveting further distinguishes it from the norm
- the unusual design suggests that it was imported and likely prefabricated given its typology
- the design was cost effective given the relative lack of materials required for it to be structurally effective.

Mr Hemingway concluded:

Overall, the significance of this landmark building is far from being marginal. Its significance – both historical and aesthetic - is inter-related as its scale is not only impressive per se but provides evidence of the facilities previously required for the local chaff/grain industry of which there are few signifiers, due to the fact the chaff mills were so readily lost to fire, of which two operated across the road for much of the 20th century.<sup>11</sup>

In response to the submissions of VicTrack and the Department of Transport, Council submitted:

... in light of Mr Hemingway’s evidence, the Behlen Shed is clearly of historical and aesthetic significance to the City of Melton, and that it is erroneous to claim that such significance is “marginal” in circumstances where evidence has been provided as to the

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<sup>10</sup> Submission 3

<sup>11</sup> Document 24, paragraph 143

importance of its prefabricated structure, standardised design, distinctive external appearance and representative qualities ...<sup>12</sup>

Council also said there is no rule prohibiting the application of heritage controls over land within PUZ4. It noted that various planning panels have previously considered the application of the Heritage Overlay to land within rail corridors (including land owned by VicTrack) and have concluded it is appropriate to apply the Heritage Overlay to such land provided that the place (or precinct) is of established heritage significance.

For example, Council referred to the panel report for Amendment C85 to the Yarra Planning Scheme that stated:

With regard to the VicTrack properties, the Panel has satisfied itself that public transport land can be included within a Heritage Overlay. This applies even if the land is vacant, providing the wider area meets the tests for identification of heritage significance.<sup>13</sup>

Council noted that when considering the application of the Heritage Overlay to land within rail corridors in Amendment C147 to the Maribyrnong Planning Scheme, the panel in that case concluded that Transport for Victoria should consider developing a state-wide and state-led amendment to apply permit exemptions for minor works in rail corridors located within Heritage Overlays.

Council submitted that a minor change should be made to the description of the address in the Statement of Significance. The exhibited address was:

Brooklyn Road, Melton South (on the railway reserve, part of 2-98. Staughton Street)

Council said that after further investigation the correct address for the site is:

2-98 Staughton Street, Melton South

It said the description of HO131 in column 2 of the Schedule to Clause 43.01 should also be modified to be consistent with the Statement of Significance.

#### **(iv) Discussion**

The Panel accepts that there is sufficient justification to warrant the inclusion of Behlen Shed within HO131. It is satisfied that the Statement of Significance is based on thorough and appropriate research and that the site has reached the threshold of local heritage significance.

The evidence of Mr Hemingway was compelling and the Panel disagrees with VicTrack and the Department of Transport that Behlen Shed is of marginal heritage significance. VicTrack and the Department of Transport did not attend the Hearing and they did not provide any evidence to substantiate the claims made in their submissions. Having met the threshold of local historical and aesthetic significance it is appropriate to include this landmark place within a Heritage Overlay.

The Panel does not consider the zoning of the land to have any bearing on whether the place should be included within a Heritage Overlay. PPN01 presumes that the Heritage Overlay will be applied to any place provided a local heritage study identifies the significance of the place to justify the application of the overlay. The fact that the land is within PUZ4 is not a relevant consideration.

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<sup>12</sup> Document 31, paragraph 30

<sup>13</sup> Yarra C85 (PSA) [2008] PPV61 at page 154



The Panel noted in the Hearing that the Melton South Railway Station is already within a Heritage Overlay (HO93) and the heritage place is described in the Schedule to Clause 43.01 as *"the station building, signal boxes and platforms"*. The land within HO93 is also within PUZ4.

The application of the Heritage Overlay does not prohibit the demolition of the building. The Heritage Overlay requires a planning permit for the demolition or removal of a building and this is a separate process to the consideration of the application of the Heritage Overlay on a site. Further discussion on this issue is made in Chapter 4 of this report.

The Panel accepts the recommendation of Council that the address of Behlen Shed should be amended to 2-98 Staughton Street, Melton South. This should be reflected in the Statement of Significance and the description of the heritage place in column 2 of the Schedule to Clause 43.01.

**(v) Conclusions and recommendations**

The Panel concludes:

- The Behlen Shed has local heritage significance and should be included within HO131.
- The Statement of Significance should be modified to correct the address of Behlen Shed to 2-98 Staughton Street, Melton South.
- The description of HO131 in column 2 of the Schedule to Clause 43.01 should be modified to correct the address of Behlen Shed to 2-98 Staughton Street, Melton South.

The Panel recommends:

**Amend the Statement of Significance for HO131 Behlen Shed as shown in the Panel preferred version in Appendix C1.**

**Amend the description of the heritage place for HO131 in column 2 of the Schedule to Clause 43.01 as shown in the Panel preferred version in Appendix C4.**

**3.5 HO132 – Former Melton Stud, 325 Clarkes Road, Brookfield**

Figure 8 House, 325 Clarkes Road, Brookfield



Figure 9 The Welkin Grave



Figure 10 Stallion Box – North Elevation



Figure 11 Stallion Box - Interior

**(i) The issues**

The issues are:

- whether it is appropriate to include the Sugar Gum trees as significant heritage features within the Heritage Overlay
- the extent of the Heritage Overlay boundary.

**(ii) Exhibited Statement of Significance**

What is significant?

The Federation period Melton Stud, including; the symmetrical weatherboard residence with hipped roof, brick chimney and verandah to the front and two adjacent Sugar Gums (*Eucalyptus cladocalyx*), the grave of 'The Welkin' and one Sugar Gum and the weatherboard stallion box with hipped roof and attached exercise yard with approximately ten Sugar Gums that mark the outline of the original yard.

How is it significant?

The former Melton Stud is of local historical and representative significance to the City of Melton.

Why is it significant?

Historically, Melton Stud is significant as an early thoroughbred stud in the Melton area, an activity for which the Municipality became noted. The stud was established in 1906 by highly regarded racehorse breeder E E D Clarke, brother of Sir Rupert Clarke. During his lifetime, Clarke was reported to be the 'biggest stake-winner of all time on the Australian Turf'. In the 29 years that Clarke owned Melton Stud, he purchased, bred and sold many renowned racehorses. The most famous of the horses he owned was the imported English horse 'The Welkin' whose grave is located at the site. At the time of his death, 'The Welkin' was noted as one of the most successful sires in Australia. Another of Clarke's noted horses was the Melton Stud bred 'Trivalve' who in a single year won the AJC Derby (Sydney), the Victoria Derby and the Melbourne Cup.

It is also significant for its associations with the subdivision of the substantial Exford Estate which occurred from the beginning of the 20th century and marked a major new era in the history of the Melton area. (Criterion A)

The former Melton Stud is of representative significance as an example of an early Federation period horse stud complex. It includes the original residence, outbuildings and planted Sugar Gums. The weatherboard house has characteristics typical of the Federation period including the hipped roof with continuous verandah and lapped corrugated metal sheeting, as well as the face brick chimney with terracotta pots and the symmetrical composition with central entry and timber sash windows.

The nearby timber stallion box is largely intact and retains original lapped corrugated metal sheeting to the hipped roof with galvanised ogee profile gutters, both typical of the period. The structure has a timber stable door to the front and a band of louvres to the upper part of the walls.

The thirteen mature Sugar Gums, which were planted when the stud was established, contribute to the setting of the house and the grave which is located close to the property entry. Many of the Sugar Gums in the vicinity of the stallion box mark the boundary of the attached exercise yard. The location of the house at the southern end of the property, high on the riverbank overlooking the reservoir but oriented towards the outbuildings and paddocks, contributes to an understanding of the former stud, reflecting both the premier location of the land and the important standing of the horses. (Criterion D).

**(iii) Evidence and submissions**

Submission 6 was made on behalf of the owners of the land. The submission did not object in principle to the application of a Heritage Overlay to the former Melton Stud, however it objected to the extent of the Heritage Overlay boundary and the inclusion of the Sugar Gum trees (*Eucalyptus cladocalyx*) within the Statement of Significance.

The submission included an Arboriculture report prepared by Treemap Arboriculture in March 2019. The Treemap report identified 19 Sugar Gum trees around the former horse yard which differs from the 10 trees specified in the proposed Statement of Significance.

In summary, the Treemap report concluded that:

- 8 trees have a health score of 'fair to poor'
- 9 trees have a health score of 'poor'
- 2 trees have a health score of 'very poor'
- all 19 trees have a structural score of very poor
- all 19 trees are now beyond their useful life expectancy.

The submission stated that the arborist advised:

- all of the Sugar Gums have been poorly maintained since their alleged association with the Stud and they could not practically be retained in the presence of people or property given their condition
- the species is widely regarded as an environmental weed in Victoria
- the trees cannot be preserved safely without barricading them to a distance equal to their height
- all 19 Sugar Gums should be removed.

The submission requested that the Sugar Gums be removed from the extent of the proposed HO132.

Mr Hemingway gave evidence that he inspected the site again in July 2020 and agreed with the arborist assessment that the Sugar Gums were in a poor state. He agreed it was appropriate to remove reference to the trees from the Statement of Significance. He noted that:

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.<sup>14</sup>

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<sup>14</sup> Document 24, paragraph 80

Mr Hemingway also said that the exercise yard associated with the stallion box was no longer evident by fencing, though a few trees vaguely demarcated its earlier extent. He explained that the exhibited curtilage around the stallion box was drawn to include the large exercise yard (on which the box opened to its north side). A five metre buffer was proposed to the rear (south side) of the stallion box, which Mr Hemingway said was considered sufficient because the extensive exercise yard to the north made an appropriate setting for the stallion box.

Mr Hemingway said that with the exercise yard no longer defined by fencing and given the poor condition of the remaining trees, it was appropriate that the extent of the polygon around the stallion box was modified to a 10 metre curtilage on all sides. He noted this dimension was the 'standard' buffer for all buildings within the Heritage Overlays.

Mr Hemingway gave evidence that his additional site inspection in July 2020 provided the opportunity to complete a more detailed inspection of the building fabric of the house and the stallion box. In addition, some further research was undertaken to gain an understanding of the construction at the site during the latter part of the 20th century relating to a 1970 aerial photograph. As a result of this further work, Mr Hemingway noted:

- the rear skillion wing of the house (dating to the late 20th century) is now defined as not significant
- whilst externally the stallion box has some missing and loose elements, internally the box was in good condition - both the timberwork and the brick floor
- the interior of the stallion box is timber-lined and this was demonstrative of the premier status of the accommodation
- whilst neglected, the stallion box is readily repairable and its deterioration could be stabilised by the re-fixing of loose elements or replacing of missing roof sheeting or wall linings.

Mr Hemingway confirmed the level of intactness of the main house, stallion box and the grave and concluded:

... whilst their condition might be fair at best due to neglect, it is clear to me that this place has been correctly determined to be of local heritage significance to the City of Melton and that the three identified elements are important in conveying/representing that significance.<sup>15</sup>

In summary, Mr Hemingway supported the following amendments to the Statement of Significance:

- under the heading 'What is significant?':
  - deletion of reference to the Sugar Gums (around the house, exercise yard and the grave of 'The Welkin')
  - deletion of reference to the exercise yard
  - addition of some minor details regarding the house
  - addition of a note that the rear skillion section of the house is not significant
- under the heading 'Why is it significant?':
  - deletion of reference to the Sugar Gums (around the house, exercise yard and the grave of 'The Welkin')
  - deletion of reference to the exercise yard

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<sup>15</sup> Document 24, paragraph 94

- addition of some minor details regarding the house, the grave of 'The Welkin' and the stallion box.

Council submitted a revised version of the Statement of Significance (Document 14b) and Mr Hemingway confirmed that these changes reflected his recommendations.

Council also submitted various revisions to HO132 in the Schedule to Clause 43.01 (Document 20) that were consistent with the modifications to the Statement of Significance, including:

- amendments to the description of the heritage place in column 2
- replacing the word 'Yes' with the word 'No' in column 5 with respect to the question 'Tree controls apply?'

Mr Hemingway supported these changes to the Schedule to Clause 43.01.

Council also provided revised mapping for HO132 (Document 26) that showed:

- no change to the curtilage around the house (10 metres around the house)
- a 10 metre curtilage around all sides of the stallion box
- a 5 metre curtilage around all sides of the grave of 'The Welkin' (and not referencing any Sugar Gums).

Mr Hemingway supported these changes to the maps.

The revised Statement of Significance, Schedule to Clause 43.01 and the Heritage Overlay map were forwarded to representatives of Submitter 6 by email on 25 November 2020. On 1 December 2020, Submitter 6 responded to Council by email (Document 30) that the revisions reflected the changes that they sought to the Amendment. The response concluded:

As such, our issues have been resolved and we no longer wish to be heard at the Panel, provided all the changes outlined in these documents, as they relate to our site, are adopted.

#### **(iv) Discussion**

The Panel commends Council for the approach taken to resolve the issues raised in Submission 6. The process has been consultative, based on sound evidence and has resulted in practical outcomes.

The Panel supports all of the changes to the Statement of Significance, the Schedule to Clause 43.01 and the maps associated with HO132 as proposed by Council in Documents 14b, 20 and 26 respectively.

It is noted that Submitter 6 agrees to all of these changes and has confirmed in writing that these changes addressed all of their concerns.

#### **(v) Conclusions and recommendations**

The Panel concludes:

- Parts of the former Melton Stud at 325 Clarkes Road Brookfield have local heritage significance and should be included within HO132.
- The Statement of Significance for HO132 should be modified to:
  - under the heading 'What is significant?':
    - delete reference to the Sugar Gums (around the house, exercise yard and the grave of 'The Welkin')
    - delete reference to the exercise yard

- add some minor details regarding the house
- add a note that the rear skillion section of the house is not significant
- under the heading 'Why is it significant?':
  - delete reference to the Sugar Gums (around the house, exercise yard and the grave of 'The Welkin')
  - delete reference to the exercise yard
  - add some minor details regarding the house, the grave of 'The Welkin' and the stallion box.
- The Schedule to Clause 43.01 should be modified to:
  - amend the description of the heritage place in column 2
  - replace the word 'Yes' with the word 'No' in column 5 with respect to the question 'Tree controls apply?'
- The map for HO132 should be modified to show:
  - a 10 metre curtilage around all sides of the stallion box
  - a 5 metres curtilage around all sides of the grave of 'The Welkin'.

The Panel recommends:

**Amend the Statement of Significance for HO132 Former Melton Stud at 325 Clarkes Road, Brookfield as shown in the Panel preferred version in Appendix C1.**

**Amend the polygons for HO132 on Map 7HO as shown in the Panel preferred version in Appendix C2.**

**Amend columns 2 and 5 of HO132 in the Schedule to Clause 43.01 as shown in the Panel preferred version in Appendix C4.**

### 3.6 HO133 – Tara Stud, Killarney Drive and Sherwin Court, Melton

Figure 12 House at 2-6 Sherwin Court (now demolished)



Figure 13 Stables at 2 Killarney Drive (northern stables-left; southern shed/stables-right)



Figure 14 Cypress Trees at 2A Sherwin Court



**(i) The issues**

The issues are:

- whether there is sufficient justification to apply the Heritage Overlay to the former Tara Stud
- whether the extent of the exhibited Heritage Overlay is appropriate
- whether the Statement of Significance is appropriate
- whether an Incorporated Plan should be applied to the site to help manage changes to fencing associated with the ongoing operation of parts of the heritage place.

**(ii) Exhibited Statement of Significance**

What is significant?

The weatherboard house at 2-6 Sherwin Court, Melton and the three largely intact outbuildings (stables, large gabled shed and small office building) as well as the metal



horse walker at 2 Killarney Drive and the row of 11 cypress trees on the adjacent public reserve (2A Sherwin Court).

The Old English Revival style house has a gable roof clad in terracotta tiles a squat clinker brick chimney and multi-paned timber windows. In addition to the house, both the stables and the office building have similar decorative treatments to the gable end including timber bargeboards terminating with a curved section and overlapping boards with rounded ends (excluding the office building).

How is it significant?

The house at 2-6 Sherwin Court, Melton is of local historical and aesthetic significance to the City of Melton. The three largely intact outbuildings, the horse walker (2 Killarney Drive) and the associated row of cypress trees (2A Sherwin Court) are of historic significance and representative significance.

Why is it significant?

Historically Tara Stud is representative of the facilities employed during the mid-20th century for the horse industry, which was an important industry for the Municipality from the late nineteenth century. The site has a long association with equine activity as it was part of the 'sports paddock' which was used for various events including hunt club gatherings during the 19th century. From 1959, Tara Stud was owned by Russell George O'Shea who was secretary of the Metropolitan and Country Trotting Association and owned successful trotters including 'Tara Dream'.

Historically the site is also associated with notable local identities including the Hornbuckle family and later was occupied by the Nixons who were related to the Hornbuckles. (Criterion A)

The single storey house at 2-6 Sherwin Court, Melton is of aesthetic significance for being a largely intact, weatherboard example of the Old English Revival style. The design is distinguished by the feature brickwork detailing to the entry porch and vertical batted boards to the gable ends. Possibly no other example of this style exist in the Municipality. (Criterion E)

The Tara Stud outbuildings (at 2 Killarney Drive) are of representative significance as largely intact examples of horse facilities constructed during the mid-20th century. The small office building and the large shed incorporate decorative timber detailing to the gable ends which relate to that of the house and reflect the high quality of the facilities. The horse walker contributes to understanding the former use of the site whilst the row of mature cypresses (2A Sherwin Court) contribute to the setting of the former stud. (Criterion D)

### (iii) Evidence and submissions

The exhibited Amendment included three main elements within two separate polygons.

The southern polygon included:

- a house at 2-6 Sherwin Court
- a row of Cypress trees within 2A Sherwin Court, but with a canopy extending into 2-6 Sherwin Court.

The northern polygon included a range of outbuildings at 2 Killarney Drive.

The three properties are in separate ownership.

Submissions were received from the owners of the house at 2-6 Sherwin Court (Submission 1) and from the owners of 2 Killarney Drive (Submission 2).

The Cypress trees at 2A Sherwin Court are within an open space reserve and there was no specific comment made about the trees in any of the submissions.

**House at 2-6 Sherwin Court**

Submission 1 objected to the inclusion of the house within a Heritage Overlay. The owners submitted that when they purchased the house in September 2019 they were not advised of the potential for it to be included within a Heritage Overlay. They said they first heard about the Heritage Overlay in March 2020 when the Amendment was exhibited.

The submission stated that:

- the house is in a very poor condition
- it's a *"very ugly house and there is no purpose keeping it"*
- when they purchased the property, it was their intention to demolish the house and to build a new dwelling on the site
- there is *"absolutely nothing on my property that reflects the existence of any kind of farm or stud farm"*.

Council submitted that on 11 August 2020 the house at 2-6 Sherwin Court was lawfully demolished. It said that although it had requested the Minister for Planning to authorise Amendment C221 to provide interim heritage controls over the Tara Stud HO133 (including the house at 2-6 Sherwin Court) the amendment was not gazetted until 13 August 2020 – two days after the demolition of the house.

Mr Hemingway gave evidence that as a result of the demolition of the house the Amendment should be modified to:

- delete the house from the southern polygon
- delete references to the house in the Statement of Significance.

Council agreed with the recommendations of Mr Hemingway and also noted that corresponding changes to the address and description of the heritage place should be made to HO133 in the Schedule to Clause 43.01.

**Cypress trees at 2A Sherwin Court**

Mr Hemingway noted that the Cypress trees at 2A Sherwin Court are planted very close to the western boundary of 2-6 Sherwin Court and the canopies of the trees extend slightly into 2-6 Sherwin Court.

Mr Hemingway said that adopting a 'standard' five metres curtilage from the trunk of the trees for the Heritage Overlay results in a small portion of the Heritage Overlay extending into the western part of the lot at 2-6 Sherwin Court. The Panel estimates that this is approximately two to three metres.

Mr Hemingway said that a five metres buffer around the trees provides an appropriate 'tree protection zone' for the protection of the roots of the tree.

No submission was made with respect to this matter from Submitter 1. Council advised the Panel that it discussed this matter with Submitter 1 and the submitter advised that there was no intention to build on the western part of the lot.

Council supported the recommendations of Mr Hemingway with respect to the extent of the curtilage of the heritage boundary around the Cypress trees.

**Outbuildings at 2 Killarney Drive**

Submission 2 generally accepted a Heritage Overlay was appropriate over outbuildings at 2 Killarney Drive, however it objected to the extent of the exhibited northern polygon for HO133. The submission noted:

- the horse walker had been removed before the first exhibition of the Amendment because it was dilapidated and it was difficult to keep the area under the walker clear of vegetation which created a fire and snake hazard
- references to the horse walker should be removed from the proposed Amendment
- one of the stable buildings was structurally unsound and collapsed and it was no longer present on the site
- the extent of the Heritage Overlay should be modified to reflect the removal of the horse walker and one of the stable buildings
- the property is a working stable and agistment venue
- operational requirements necessitate the regular removal and relocation of internal agricultural fencing as part of rotating paddocks for horse grazing and the owners sought greater flexibility to enable this to continue without the need to obtain planning permits under the Heritage Overlay.

Mr Hemingway agreed that there are now only three remaining outbuildings of significance. He noted that the stable building that fell down had earlier been recorded as missing its roof and was in very poor condition. He said the remaining outbuildings of significance included the northern stables, the southern stables/shed and a small office building. He agreed it was appropriate to modify the Statement of Significance and the extent of the Heritage Overlay to reflect the changed circumstances.

Mr Hemingway said it was appropriate to rename the heritage place 'Tara Stud (former) Out buildings and trees'.

Mr Hemingway recommended the boundaries of the polygon should be refined so that there is a reduced setback to the north and west of the group of outbuildings to align with the existing fence lines. He said the principal view of the buildings is from the south, so a 10 metre curtilage is appropriate to that elevation, reducing to five metres along the east side (where there is a driveway) and north side (back of the buildings) and seven metres to the west adjacent to the northern stables building.

Mr Hemingway also thought an Incorporated Plan could provide the required flexibility sought by the owners regarding the management of fences. An Incorporated Plan could specify that a planning permit was not required for the removal or construction of fencing and the Incorporated Plan would be included in column 2 of the Schedule to Clause 43.01 and the Schedule to Clause 72.04.

Council supported all of the changes recommended by Mr Hemingway.

**Post-exhibition documents**

Council provided copies of various revised post-exhibition documents regarding HO133, including:

- a revised Statement of Significance (Document 15b) showing:
  - changes to the description of the heritage place

- deletion of reference to the house at 2-6 Sherwin Court, the horse walker and the collapsed stables
- the inclusion of minor additional details regarding the outbuildings
- modifications to the extent of the Heritage Overlay maps (Document 27)
- changes to HO133 in the Schedule to Clause 43.01 (Document 20) including:
  - in column 2, changes to the name, address and description of the heritage place
  - in column 2 the inclusion of the 'Tara Stud (former) Outbuildings and Trees Incorporated Plan October 2020'
  - in column 5 the specification of the Cypress trees
- the 'Tara Stud' Incorporated Plan, October 2020' (Document 28)
- reference to the 'Tara Stud (former) Outbuildings and Trees Incorporated Plan October 2020 in the Schedule to Clause 72.04 (Document 21).

The purpose of the proposed Incorporated Plan is to establish planning permit exemptions for part of the 'Tara Stud' at 2 Killarney Drive, Melton, under the provisions of Clause 43.01.

The Incorporated Plan applies to that part of the land at 2 Killarney Drive, Melton comprising part of the heritage place known as the Tara Stud and identified as HO133 in the Schedule to Clause 43.01. A map within the document also defines the place.

Pursuant to Clause 43.01-3 of the Planning Scheme, no planning permit is required under the Heritage Overlay to:

- demolish or remove a fence
- construct a post and wire fence associated with the use of the land for agriculture.

Mr Hemingway said he had reviewed all of these documents and supported their content. In response to questions from the Panel, Mr Hemingway confirmed that despite the removal of several elements of the exhibited HO133, the place still retained sufficient fabric to warrant inclusion within the Heritage Overlay. He noted that although the City of Melton has a long association with the equine industry, surprisingly few old stables remain and the outbuildings at 2 Killarney Drive represent important local heritage.

Council said it had consulted with the submitters and said they were comfortable with the modifications. Council provided an email from Submitter 2 (Document 34) that said the owners agreed to the proposed Incorporated Plan.

#### **(iv) Discussion**

The Panel accepts the evidence of Mr Hemingway that the outbuildings and trees associated with the former Tara Stud are appropriate to include within a Heritage Overlay. It notes that the removal of the house from 2-6 Sherwin Court and some of the elements from 2 Killarney Drive diminish the context of the remaining features, however sufficient fabric remains to enable an understanding of the heritage of the place.

The Panel agrees that all of the changes recommended by Mr Hemingway and expressed by Council in the various post-exhibition documents associated with HO133, are appropriate. It notes that the title to the Incorporated Plan (Document 28) should be modified to refer to 'Tara Stud (former) Outbuildings, 2 Killarney Drive, Melton, Incorporated Plan, October 2020. This more accurately refers to the specific part of HO133 to which the Incorporated Plan applies. References to the Incorporated Plan in the Schedule to Clause 43.01 and the Schedule to Clause 72.04 should be modified for consistency.

The Panel accepts that the proposed Incorporated Plan is appropriate in the circumstances. Although it was not exhibited as part of the Amendment, the Panel acknowledges that Council has prepared it in consultation with the owners and it would seem to address their particular concerns. The Panel notes that the owners confirmed in writing to Council that they accept the content of the Incorporated Plan.

**(v) Conclusions and recommendations**

The Panel concludes:

- Parts of the former Tara Stud have local significance and should be included within HO133.
- The Statement of Significance for HO133 should be modified in accordance with Document 15b to:
  - change the description of the heritage place
  - delete reference to the house at 2-6 Sherwin Court and the horse walker and the collapsed stables at 2 Killarney Drive
  - include minor additional details regarding the outbuildings.
- HO133 should include an Incorporated Plan pursuant to Clause 43.01-3 to assist in the operational efficiency of the property at 2 Killarney Drive to ensure that no planning permit is required under the Heritage Overlay to:
  - demolish or remove a fence
  - construct a post and wire fence associated with the use of the land for agriculture.
- The Incorporated Plan for HO133 should be titled 'Tara Stud (former) Outbuildings, 2 Killarney Drive, Melton, Incorporated Plan, October 2020'.
- The Schedule to Clause 43.01 should be modified to:
  - amend the name, address and description of the heritage place in column 2 consistent with the revised Statement of Significance
  - include the 'Tara Stud (former) Outbuildings, 2 Killarney Drive, Melton, Incorporated Plan, October 2020' as an Incorporated Plan listed in column 2
  - specify the Cypress trees in column 5.
- The northern polygon for HO133 (around the outbuildings) should be modified to show:
  - a 10 metre curtilage from the building along the south side
  - a seven metre curtilage from the building along the west side
  - a five metre curtilage from the building along the east and north sides.
- The southern polygon for HO133 (around the Cypress trees) should be modified to show a five metre curtilage from the trunk of the trees.
- The Schedule to Clause 72.04 should be modified to include reference to the 'Tara Stud (former) Outbuildings, 2 Killarney Drive, Melton, Incorporated Plan, October 2020'.

The Panel recommends:

**Amend the Statement of Significance for HO133 as shown in the Panel preferred version in Appendix C1.**

**Amend the polygons for HO133 on Map 8HO as shown in the Panel preferred version in Appendix C2.**

**Include an Incorporated Plan pursuant to Clause 43.01-3 as shown in the Panel preferred version in Appendix C3.**

**Amend columns 2 and 5 of HO133 in the Schedule to Clause 43.01 as shown in the Panel preferred version in Appendix C4.**

**Amend the Schedule to Clause 72.04 as shown in the Panel preferred version in Appendix C5.**

**3.7 HO135 – Former Fulham Park, 1267-1289 Beattys Road, Grangefields**

Figure 15 North Elevation of former House



Figure 16 Riveted vessels



**(i) The issues**

The issues are:

- whether there is sufficient justification to apply the Heritage Overlay to the Former Fulham Park
- whether the extent of the exhibited Heritage Overlay is appropriate
- whether the Statement of Significance is appropriate.

**(ii) Exhibited Statement of Significance**

What is significant?

The remnants of the Victorian stone cottage at the former Fulham Park and the nearby riveted vessels (movable elements). The modest, circa 1860s cottage has a symmetrical format and retains an early chimney to each side.

How is it significant?

The remnants of the cottage and the nearby vessels are of local historical and representative significance to the City of Melton.

Why is it significant?

Historically, the remains of the cottage are significant as a relic of early settlement in the Melton area and was likely constructed during the selection era of the 1860s when a number of small farmers settled in the Rockbank district. The site is also significant for its association with the operations of the Cockbill family who established a successful pig and poultry stud at Rockbank during the early 20th century and also operated a knacker. The riveted vessels located to the south-east of the cottage are likely some of the only fabric that remains from the industrial activities of the Cockbill Brothers who operated in the area for almost 50 years.

Having been partly damaged by the devastating 1965 Toolern Vale fire, the ruin is also a testament to the destructive fires which destroyed many buildings in the municipality. (Criterion A)

The circa late-1860s cottage is a representative example of a Selection era dwelling, of which few survive in the Melton area. Although now ruinous, the remains of the basalt building are typical of small farm cottages constructed in the western volcanic plains in that era. Typical characteristics include the modest size, symmetrical composition with central doorway and the use of undressed basalt. (Criterion D)

**(iii) Evidence and submissions**

Submission 5 acknowledged that the bluestone cottage *“has architectural, historical and cultural significance and there is a need to ensure and provide for its conservation and enhancement for many generations to come”*.

Although the submission agreed in principle to the inclusion of the cottage within a Heritage Overlay, it objected to the application of a 10 metre curtilage around the building. It said this was excessive and that it was unfair *“to relinquish my rights to this land without due compensation.”*

The submission also noted:

- a detailed site inspection should be completed
- the building is in poor condition and is structurally unsound
- inclusion within the Heritage Overlay would impact on the development potential of the site and the value of the property

- the cottage was most likely built by Mr Muir in the late 1860s and it would be more appropriate to name the site after the original builder of the cottage rather than Fulham Park, which was a later period of development of the property.

The submission objected to the inclusion of the riveted vessels within the Heritage Overlay. It stated that insufficient information had been provided to justify the significance of the vessels and that they should be removed from the Statement of Significance and the Heritage Overlay maps. The submission noted:

- a detailed site inspection should be completed
- if the vessels are of significance they should be relocated to near the cottage to minimise impact of the Heritage Overlay on the property
- it is unclear how the proposed five metres curtilage is defined.

Mr Hemingway gave evidence on behalf of Council and with respect to the cottage said:

- the proposed ten metre curtilage about the cottage is a standard approach employed for buildings in rural locations in the City of Melton
- the proposed curtilage is recommended in order to be able to retain a sense of the original setting of the building
- in this instance, the curtilage on the north side of the cottage (at the front) is about 8 to 8.5 metres because the boundary of the curtilage has been drawn to match the front property boundary
- although he had not been onto the property to inspect the building he was satisfied from what he could see from the road and his other research that the building warranted inclusion on the Heritage Overlay
- whilst the condition of the basalt cottage was not able to be assessed in detail from the boundary, the building nonetheless appeared to be broadly sound (given its history) and it has a serviceable flat roof (in place of the original lost to fire) which should at least limit the likelihood of any rapid deterioration
- it is a general heritage principle that the assessment of significance is to be separate from consideration of management issues such as structural condition or future developability.

Mr Hemingway agreed that it is generally common to name a heritage place based on the original or early name of place, where it is known. Alternatively, it is also acceptable to name a place based on the name associated with the main phase of development or significance of a site. He said in this instance, it is not known if the place was named during the 19th century when the basalt cottage was constructed and who was the owner at that time. The site is however strongly associated with a range of commercial farming activities during the Cockbill phase, when it was known as Fulham Park. The name Fulham Park was used by the Cockbills from at least 1917 (though they owned the site from 1902) to 1976.

With respect to the vessels, Mr Hemingway said:

- the structures are possibly small grain silos and are rare remnants of this type of equipment
- they are presumed to be associated with the Cockbill farming phase at the site (circa 1917 to 1965) which included poultry and a knackery
- a 1962 aerial photograph shows an extensive array of buildings on the site, however many of these buildings were likely lost in a large fire in 1965



- given the size of the vessels, it is not possible to detect them on the 1962 aerial photograph and even on current aerials they are difficult to detect as they are located near a sizeable tree
- the vessels are in the order of 5 metres tall and are set back about 130 metres from the front boundary
- the vessels are readily visible items in the landscape from Beattys Road and appear to be sound and stable, although they are rusted externally
- zoom photographs have not revealed any major defects to the vessels
- although the original Statement of Significance referred to the vessels as 'moveable elements', upon further reflection Mr Hemingway thought they were more likely to be fixed on a concrete pad and the Statement of Significance should be modified to delete reference to the vessels as 'moveable elements'
- the exhibited Heritage Overlay map showed a circular polygon around the vessels with a five metres curtilage and this was appropriate (although the heritage citation originally showed a larger oval shape that Mr Hemingway modified to accord with the Heritage Overlay mapping).

Submitter 5 questioned Mr Hemingway about why the cottage had an 8 or 8.5 metre curtilage at the front of the building but it was 10 metres on the other three sides. She asked why wasn't part of the road reserve (1.5 or 2 metres) included within the Heritage Overlay?

In response, Mr Hemingway said that an 8 to 8.5 metres buffer was sufficient at the front of the cottage because the road reserve itself provided sufficient space to ensure that the building was able to be read within an appropriate context. He said it was unlikely that a building would be constructed within the road reserve that would impact on the cottage.

Mr Hemingway disagreed that an 8 to 8.5 metres buffer around the other three sides of the cottage should be applied.

Submitter 5 was concerned that an underground well at the rear of the cottage was referenced in the heritage citation. It was thought the well could be within the curtilage of the cottage and the submitter sought the express exclusion of the well from the citation. Mr Hemingway said he had not been able to inspect the well and could not determine if it is of heritage significance. The well is not specified in the Statement of Significance.

Submitter 5 provided multiple photographs of the cottage and the vessels as part of their submission at the Hearing (Document 32). The submitter:

- noted access to the site has been difficult because of the COVID-19 restrictions and the property is tenanted
- was unable to advise of the possible date of construction of the well
- had not inspected the vessels and could not say if they were fixed to a concrete base, however thought the deletion of the words 'moveable elements' from the Statement of Significance was appropriate
- thought that the mapping was inaccurate
- thought an internal inspection of the cottage would reveal its poor structural condition.

Council submitted that it supported the minor change to the Statement of Significance recommended by Mr Hemingway regarding the deletion of the words 'moveable elements'

from the description of the vessels. It noted that a corresponding change to the description of the site in column 2 of the Schedule to Clause 43.01 was also appropriate.

Council confirmed that the exhibited HO133 maps were appropriate and no post-exhibition changes were proposed to the cottage or the vessels.

**(iv) Discussion**

The Panel accepts that the cottage and the vessels are of local heritage significance and they should be included within HO135. It is satisfied that sufficient research has been completed to confirm that both of these elements reach the relevant heritage criteria thresholds as outlined in PPN01.

The Panel acknowledges the concerns expressed by the submitter with respect to the need for detailed (up-close) site inspections of the cottage and the vessels. Although a detailed site inspection is desirable, it is not always possible or necessary. In this case, the Panel is satisfied that the research completed by Mr Hemingway, including his site inspections from the road, is sufficient to warrant inclusion within HO135.

Submitter 5 said that a more detailed site inspection of the cottage would demonstrate the poor condition of the building. The Panel notes, however, that the condition of the building is not a relevant consideration in determining the heritage significance of the place. This matter is discussed in further detail in Chapter 4.

The Panel accepts the evidence of Mr Hemingway that the name of the heritage place is appropriate. Fulham Park was the name of the farm for approximately 60 years and recognises a key time in the history of the place.

The Panel accepts the justification for the proposed curtilages for the cottage and the vessels. The proposed curtilages provide a 'buffer' to ensure that any development within these areas is appropriately managed having regard to the heritage significance of the places. The Heritage Overlay does not prohibit development of the land within the curtilage; rather, it manages development to ensure it recognises and respects the heritage structures.

The Panel agrees with Mr Hemingway and Council that it is not necessary to include any part of the road reserve within the Heritage Overlay. The front property boundary provides a logical and appropriate boundary to the Heritage Overlay. A 10 metres curtilage around the balance of the cottage is consistent with other heritage buildings in rural contexts in the municipality.

The submitter expressed concerns regarding reference in the heritage citation to an underground well near the cottage. Mr Hemingway made it clear that he could not determine whether the well was of heritage significance and the Statement of Significance does not refer to any well or underground storage tank. Council does not propose to include any reference to the well in the Statement of Significance.

The Panel notes that the heritage citation is not proposed to be included within the Planning Scheme as part of this Amendment. Council made it very clear at the Hearing that the essential content from the heritage citations has been included in the Statements of Significance. The Statements of Significance are proposed to be included in the Planning Scheme as Incorporated Documents.

The Panel accepts the evidence from Mr Hemingway that he could not verify that the vessels were moveable. Submitter 5 could not confirm this either. On that basis, it is appropriate to delete reference to the vessels as 'moveable elements' in the Statement of Significance. It is possible that further investigation may reveal that the vessels are potentially moveable, however it is not necessary to definitively determine the matter at this stage.

The Panel agrees with Council that the description of the heritage place in column 2 of the Schedule to Clause 43.01 should be modified to accord with the Statement of Significance.

**(v) Conclusions and recommendations**

The Panel concludes:

- The former Fulham Park has local heritage significance and should be included within HO135.
- The extent of HO135 as shown in the exhibited maps is appropriate.
- The Statement of Significance for HO135 is generally appropriate except that it should be modified to delete the words 'moveable elements' from the description of the riveted vessels under the heading 'What is significant?'
- The description of HO135 in column 2 of the Schedule to Clause 43.01 should be modified to delete words 'moveable elements'.

The Panel recommends:

**Amend the Statement of Significance for HO135 Former Fulham Park at 1267-1289 Beattys Road, Grangefields as shown in the Panel preferred version in Appendix C1.**

**Amend the description of the heritage place for HO135 in column 2 of the Schedule to Clause 43.01 as shown in the Panel preferred version in Appendix C4.**

**3.8 HO137 – Tibbermore, 687 Hopkins Road, Truganina**

The following photographs of Tibbermore were included in Mr Hemingway's evidence statement. The aerial photograph was sourced from Nearmap and dated 29 August 2020. The remaining photographs were noted as being taken by David Moloney circa 2002.

Figure 17 House - North elevation (west end)



Figure 18 House - South elevation (west end with underground tank in foreground)



Figure 19 House - West elevation (north end)



Figure 20 Underground tank



Figure 21 Dry Stone Walls (part of HO203)



**Figure 22** Aerial photograph of house (top right) and associated outbuildings. The dry stone walls extend along the boundaries of the cleared paddock at the top of the image



**(i) The issues**

The issues are:

- whether there is sufficient justification to apply the Heritage Overlay to Tibbermore
- whether the extent of the exhibited Heritage Overlay is appropriate
- whether the Statement of Significance is appropriate
- whether tree controls should apply to the site pursuant to Clause 43.01.

**(ii) Exhibited Statement of Significance**

What is significant?

The original basalt part of Tibbermore at 687 Hopkins Road, Truganina, which has been incorporated into the rear part of the building. It was built for Robert Henry Faragher, probably circa 1860s-1870s.

In addition, possibly the water tank, outbuildings, and other items in the vicinity of the main house may also date to an early phase/s of development at the site.

There are also sections of drystone walling which are significant and are included in the Mt Atkinson Dry Stone Wall Precinct (HO203).

The Federation period component of the house (front part) has some heritage value in its form, though it has been much altered. The house was enlarged in 1903 for Finlay McPhail. The alterations were probably due to damage sustained by a 1968 bushfire. The Federation period component has the potential to be more sympathetically presented or possibly reconstructed, if documentation survives or investigations are undertaken to reveal earlier detailing.

How is it significant?

Tibbermore at 687 Hopkins Road, Truganina is of local historical and representative significance to the City of Melton.

Why is it significant?

Tibbermore at 687 Hopkins Road, Truganina is historically significant for being an early basalt house. Although its date of construction has not been confirmed, it is likely to date to the 1860s or 1870s. It was one of a few such buildings, or remnants of buildings, which survive in the municipality and which are evocative of an early phase of European settlement in the area.

It has associations with Robert Faragher, an early occupant and prominent citizen in the district. He was probably living at the site by 1856 a few years after he emigrated from England. The Faragher family retained the property for nearly half a century. (Criterion A)

Tibbermore at 687 Hopkins Road, Truganina is of representative significance for incorporating a relatively intact, basalt component within a larger Federation period house, which although altered externally, retains its early 20th century form. (Criterion D)

**(iii) Evidence and submissions**

Submission 7 objected to the application of HO137 to their property at 687 Hopkins Road, Truganina. It stated that *"we did not apply to have our property listed"*. No other specific grounds were submitted.

Mr Hemingway gave evidence that despite repeated requests from Council, the owners did not provide him with the opportunity to inspect the property. He noted this presented particular challenges because the house and the associated outbuildings are located distant from the frontage of the property. Mr Hemingway said he relied on photographs taken by others in 2002, previous research regarding the property, and a review of various aerial photographs to assist in his assessment of the place. He noted that although this approach was not ideal, similar constraints have applied in other instances and an acceptable level of assessment was still possible. He concluded that he was satisfied sufficient material was available to him to determine the significance of the place.

In summary, Mr Hemingway said:

- the house has three main components – a basalt section constructed in the 19<sup>th</sup> century, a Federation section constructed in about 1903 and later 20<sup>th</sup> century additions
- the house was built for Robert Henry Faragher, an early occupant and prominent citizen in the area
- it is not certain where the junction is between the early 19th century phase and the early 20th century portion of the house
- two visible basalt sections to the rear/west are separated so it is possible the intervening section is also basalt though was clad in the faux brick sheeting in the 2002 images
- the Federation period section (probably 1903) is clad in faux brick sheeting and may be timber framed with remnant timber cladding beneath (weatherboards or the like)
- an elaborate pressed metal internal ceiling in the room at the south-east corner (with a bay window to the south side) was documented in 2002, which was commensurate with an early 20th century/Federation period date

- the two chimneys had been painted by 2002 but appear to be red brick where the paint was failing, suggesting they date to the 1903 phase
- there are three late 20th century sections with flat/skillion roofs to the north, west, and south sides of the house
- a separate stone block with two distinct markings was documented in 2002 and these markings likely identify a particular mason
- the above-ground section of the water tank to the southern side of the house is constructed from basalt blocks, roughly hewn, with wide mortar joints and its date of construction is not certain
- the age, condition and potential heritage value of the various outbuildings to the west of the house is unknown and there are no photographs of these items from 2002.

Mr Hemingway noted that an aerial photograph dated 1948 shows a partly different configuration of outbuildings. He concluded that there may be some limited historic fabric among the group of outbuildings, although it is possible that the earlier group of buildings were largely lost during a 1968 bushfire.

Mr Hemingway observed that most of the remnant basalt houses that survive in the City of Melton are much altered and some are derelict (in ruins). He said:

Generally modest in scale they however exemplify the 19th century conditions of many of the local inhabitants in the area. Whilst there were a few grand estates and/or large landholders in the Melton area, including the Staughtons (Exford, Eynesbury, etc.) and W J T Clarke of Rupertswood (Sunbury), many farmers eked out a living struggling with drought and experimenting with what combination of farming and cropping could be successful long-term in the area.

Tibbermore is an example of one of these early houses that are emblematic of the 19th century farming phase in the Melton area.<sup>16</sup>

The Panel noted to Mr Hemingway that:

- although the text of the heritage citation does not specifically refer to any trees within the proposed Heritage Overlay area, it recommends that tree controls under Clause 43.01 should apply to the site
- trees are not referred to in the Statement of Significance for the site
- tree controls were proposed to apply in column 5 of the Schedule to Clause 43.01 in the exhibited version and well as the post-exhibition version (Document 20) of the Schedule.

The Panel queried the application of tree controls over the site in the context where specific trees have not been identified and there is no reference to the trees as being of heritage significance within the Statement of Significance. In response, Mr Hemingway said he had not assessed the trees but there was potential for at least some of them to be of heritage significance. He said he thought it was appropriate to adopt a 'cautionary approach' and include a requirement for tree controls to apply within the Schedule to Clause 43.01.

Council submitted that, upon reflection, it would not object to the removal of tree controls from the Schedule to Clause 43.01. It referred the Panel to PPN01, which states:

Tree controls should only be applied where there has been a proper assessment. The statement of significance for the heritage place should identify the particular trees that are significant (under "What is significant?") and why the tree or trees are important.

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<sup>16</sup> Document 24, paragraphs 178-179

If only one, or a few trees within a large property are considered significant, the 'Tree Controls Apply' column can be qualified with the relevant details. A planning permit would then only be required to remove, destroy or lop the trees that were specifically identified in the column.

This control is designed to protect trees that are of intrinsic significance (such as trees that are included on the National Trust Heritage Register), or trees that contribute to the significance of a heritage place (for example, trees that contribute to the significance of a garden or area). The control is not meant to protect trees for their amenity value. See Planning Practice Note 7 – Vegetation Protection in Urban Areas for alternative methods of vegetation protection.

Council acknowledged that it had not completed the required assessment of the trees within HO137 to justify the inclusion of tree controls.

**(iv) Discussion**

The Panel accepts that there is sufficient justification to warrant the inclusion of the property known as Tibbermore at 687 Hopkins Road, Truganina within HO137. It is satisfied that the Statement of Significance is based on thorough and appropriate research and is well founded having regard to the limitations of available historical information and that a detailed site inspection was not possible.

Although a detailed site inspection would have been desirable, sufficient information was available to Mr Hemingway to enable a considered assessment of the place within the context of the relevant heritage assessment criteria.

The Panel agrees that the extent of HO137 map is appropriate and is consistent with the elements referred to in the Statement of Significance.

The Panel does not agree with Mr Hemingway that tree controls pursuant to Clause 43.01 should be applied to Tibbermore as part of this Amendment. It agrees with Council that insufficient work has been completed to justify this part of the Heritage Overlay and tree controls should not proceed at this time. Further research is required to investigate what, if any, trees around the house and outbuildings are of heritage significance. These investigations should be completed in accordance with the guidance provided in PPN01 and the outcomes should proceed by a separate amendment to the Planning Scheme.

**(v) Conclusions and recommendations**

The Panel concludes:

- Tibbermore has local heritage significance and should be included within HO137.
- The extent of HO137 as shown in the exhibited maps is appropriate.
- The Statement of Significance for HO137 is appropriate.
- Tree controls should not apply to HO137 and column 5 of the Schedule to Clause 43.01 should be modified to replace the word 'Yes' with the word 'No'.

The Panel recommends:

**Amend columns 2 and 5 of HO137 in the Schedule to Clause 43.01 as shown in the Panel preferred version in Appendix C4.**



## 4 Other issues

### 4.1 Restricting development opportunities and impact on property values

#### (i) The issue

The issue is whether applying the Heritage Overlay will create an unacceptable burden on the owners of the properties.

#### (ii) Submissions

Several submissions (for example, Submissions 2, 3, 5 and 8) raised concerns that the Heritage Overlay would limit current and future redevelopment opportunities and others raised concerns related to the potential negative impact on property values (for example, Submissions 2 and 5).

No party presented any evidence to demonstrate the impact that the proposed controls may have on property values.

Council acknowledged that a Heritage Overlay will introduce another layer of control for property owners by imposing additional permit triggers and relevant considerations to a future planning permit application. It submitted that this was necessary to ensure those places with the requisite level of heritage value are recognised and appropriately managed within the municipality.

Council submitted that it was a well-recognised and a generally accepted consequence that planning controls set parameters in relation to the use and development potential of land. It noted that all properties in the municipality are subject to zoning controls and many are also subject to overlay controls.

Council said that the introduction of permit requirements pursuant to the Heritage Overlay does not prohibit redevelopment of properties, but rather ensures that the heritage significance of a particular place is protected in the course of redevelopment, 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. While the demolition of significant buildings is discouraged, the partial demolition of or the addition or alteration to such buildings may be allowed where the heritage significance of the place is not adversely affected.

Council referred to the panel report in Amendment C266 to the Boroondara Planning Scheme that:

The Boroondara Planning Scheme has many provisions that restrict or enable land use and development in different circumstances. The Heritage Overlay gives Council the ability to assess certain permit applications in response to the heritage place, including applications to demolish or remove a building.

The extent of further development will vary depending on each property's individual characteristics including positioning of the building on the lot, the design and configuration of the significant building, location of buildings abutting the property and the aspirations of each land owner.<sup>17</sup>

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<sup>17</sup> Boroondara C266 (PSA) [2018 PPV, page 26

Council said previous planning panels have consistently found that future redevelopment opportunity is not a relevant consideration in assessing a planning scheme amendment concerning the application of the Heritage Overlay. Rather, redevelopment potential may be a relevant consideration at the planning permit stage. Council referred to the panel report for Amendment C294 to the Boroondara Planning Scheme that states:

Any discussion regarding development opportunity is hypothetical during the planning scheme amendment stage. This is because only those with genuine development aspirations may be affected. How they are affected depends on many variables including extent of development, property size and proportions, planning policy and other existing planning provisions. These are matters for a planning permit application.<sup>18</sup>

Council referred to the panel report for Amendment C14 to the Latrobe Planning Scheme where, under the heading 'Economic and Personal Factors', the panel commented:

Panels have repeatedly ruled that such issues are not material to this stage of the planning process – a position supported by Practice Notes and numerous VCAT decisions. This view maintains that although it is appropriate for the responsible authority to consider all the objectives of the Planning and Environment Act 1987 – including, inter alia, fair, orderly, economic and sustainable use, and development of the land (s.4(1)(a)) ... and ... to balance the present and future interests of all Victorians (s.4(1)(g)) – the question of personal economic impact or potential constraint on development are matters for the next stage of the planning process i.e. at the time a permit is applied for.

This approach has the merit of separating two distinct issues: assessment of the significance of the place, and the question of its conservation, adaptation, alteration or demolition. This conforms with proper heritage conservation practice and mirrors the processes of the Victorian Heritage Act 1985. It reflects the desirability of considering long term matters (if we accept that heritage significance is likely to be somewhat enduring, if not immutable) at one point in time; and, shorter term matters (personal desire, financial considerations and economic circumstances) when they are most relevant.

The Panel observed that in the long life of many heritage properties economic uses can rise and fall – sometimes with no impact on owners, sometimes with substantial impact. In many cases threats to continuing economic viability may be mitigated by permit allowances or use changes. In other cases, personal situations change. In some cases demolition may be an appropriate response. In all these situations it would seem highly desirable for all parties that consideration is: (a) based on clear understanding of significance; and (b) at a time when action is real and current, not conjectural.

The so-called two-stage process also underlines the proposition that heritage assets (unlike some other aspects of planning) are often irreplaceable and it is important that neither the Planning and Environment Act 1987 nor the Latrobe Planning Scheme envisage their loss on the basis of personal preference or desire in a continually changing economic or financial environment.<sup>19</sup>

### (iii) Discussion

The Panel does not accept that applying the Heritage Overlay will create an unacceptable burden on the owners. As Council explained, the Planning Scheme has many provisions that restrict or enable land use and development in different circumstances. The Heritage Overlay gives Council the ability to assess certain permit applications in response to the heritage place, including applications to demolish or remove a building.

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<sup>18</sup> Boroondara C294 (PSA) [2020] PPV6, page 21

<sup>19</sup> Latrobe C14 (PSA) [2010] PPV53, pages 17-18

The Panel also agrees with Council and the long held principle that concerns relating to future redevelopment opportunities are immaterial to this stage of the planning process and more appropriately considered at the planning permit stage. This approach correctly recognises the importance of prioritising enduring and long term matters such heritage protection and conservation over matters of development potential, building condition, economic matters and planning approvals which are, by contrast, short- term in nature.

#### **(iv) Conclusions**

The Panel concludes:

- The Amendment will not create an unacceptable burden on the owners of the land affected by the Amendment.
- Future redevelopment opportunities are immaterial to this stage of the planning process and more appropriately considered at the planning permit stage.

## **4.2 Structural condition**

### **(i) The issue**

The issue is whether the structural condition of a building is a relevant consideration when assessing heritage significance.

### **(ii) Submissions**

Several submissions (for example, Submissions 1, 2 and 5) stated that their buildings were in poor structural condition and as a result the Heritage Overlay should not be applied to their properties.

Council submitted that building condition and structural integrity are not relevant considerations at the planning scheme amendment stage, unless the structural integrity of a building is so poor that the only viable option for the building is demolition. It said without such evidence, any claim of poor building condition could undermine the long term consideration of heritage protection. Council noted that various panels have consistently adopted this position and referred to Amendment C207 to the Melbourne Planning Scheme, where the Panel commented:

... we do acknowledge that condition may sometimes be relevant in extreme cases of dilapidation where demolition is an inevitable outcome. In such circumstances, the case for demolition would have to be irrefutable and the community-wide costs and benefits of the demolition versus conservation outcomes would have to be clearly identified ... We agree that the case for demolition would have to be unassailable.<sup>20</sup>

In Amendment C183 to the Yarra Planning Scheme, the panel observed that all buildings require maintenance and that building condition should not impact the application of a Heritage Overlay unless the condition affects its integrity or the significance of the heritage place. The panel stated:

Before the proposed Heritage Overlay, the condition of the place is already established. The Panel accepts the long-standing principle that condition should not impact upon the heritage significance of a place, unless it impacts upon its integrity or how the significance of the place is understood. Ruins, for example, can still have cultural heritage significance, as long as they are understood in context. The Heritage Overlay

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<sup>20</sup> Melbourne C207 (PSA) [2014] PPV 10, page 26

is a decision making tool to manage the processes of conservation, alteration or even demolition (including recording the fabric should demolition be permitted) balanced with an understanding of heritage value.<sup>21</sup>

Council submitted that no evidence was provided with respect to the proposed Amendment to justify claims that any particular building or item is structurally unsound or otherwise has major faults so as to impact upon its integrity or how the significance of the place is understood. Council said that structural integrity and building condition is a matter for a planning and building permit application.

**(iii) Discussion**

The Panel acknowledges that not all buildings covered by the Amendment may be in perfect condition, however, the condition of a building does not diminish heritage significance.

For the reasons submitted by Council, the Panel does not agree that the condition of the building is a reason to not apply the Heritage Overlay. The Panel accepts the long held principle that structural integrity or condition of a building should not be a criterion for assessing heritage significance.

The Panel notes that if heritage controls for a property were dismissed on the basis of its poor condition, it may motivate some property owners potentially subject to heritage controls to allow remnant heritage fabric to fall into a state of disrepair. In the context of a planning system which does not compel property owners to actively undertake restorative works, it is appropriate that heritage fabric be identified for protection at a separate stage of the process from when redevelopment or demolition proposals are brought to the Responsible Authority.

That is not to say that the condition of a building is irrelevant in the planning system. Such factors are highly relevant at the planning permit stage. However, to consider such matters at this stage of the Amendment process would undermine the 'longer term consideration' of heritage protection.

The Panel agrees that the identification and protection of heritage places at the amendment stage allows the structural integrity or condition of buildings to be properly assessed against identified heritage values at the planning permit application stage. This allows for the most appropriate balancing of competing priorities (in cases where a redevelopment proposal might undermine the heritage significance of a place).

**(iv) Conclusion**

The Panel concludes:

- The structural integrity or condition of a building should not be a criterion for assessing heritage significance.

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<sup>21</sup> Yarra C183 (PSA) [2016 PPV 68, page 35

## 5 Drafting issues

### 5.1 Incorporated Document – Statements of Significance

The exhibited Amendment included the nine proposed Statements of Significance within a single document called *City of Melton Heritage Assessments Project 2018: Statements of Significance*. This title was referenced as the Statement of Significance for each of the proposed Heritage Overlays in the Schedule to Clause 43.01 and was referenced in the Schedule to Clause 72.04 as an Incorporated Document.

Council submitted that following discussions with DELWP after the exhibition of the Amendment, it was decided to separate the grouped Statements of Significance so that each proposed Heritage Overlay had its own separately titled Statement of Significance. Council said this was consistent with the expectations of PPN01 that each Statement of Significance is a separate Incorporated Document under Schedule 72.04.

As a result of this change to the format of the Statements of Significance, Council submitted revised versions of:

- the Statements of Significance for each Heritage Overlay
- the Schedule to Clause 43.01 showing modified titles to the Statements of Significance in column 2
- the Schedule to Clause 72.04 showing nine separate Incorporated Documents for each Statement of Significance.

The Panel supports the reformatting of the Statements of Significance as described and has applied these changes in the Panel preferred versions of these documents.

The Panel recommends:

**Amend the name of the Statements of Significance as shown in the Panel preferred version in Appendix C1.**

**Amend column 2 in the Schedule to Clause 43.01 to modify the name of the Statement of Significance as shown in the Panel preferred version in Appendix C4.**

**Amend the Schedule to Clause 72.04 to delete reference to the 'City of Melton Heritage Assessments Project 2018: Statements of Significance' and include a separate Statement of Significance for each proposed Heritage Overlay as shown in the Panel preferred version in Appendix C5.**

### 5.2 Address of HO136

Council submitted that the address for HO136 (Beattys Bridge) should be changed from 'Beattys Road, crossing of Kororoit Creek, Aintree', to '660A Beattys Road, Bonnie Brook'. It said this was based on further research into the correct address for the site.

The Panel accepts the recommendation of Council and agrees with the revised versions of:

- the Statements of Significance for HO136 (Document 18)
- the Schedule to Clause 43.01 showing the address of HO136 in column 2 (Document 20).

The Panel recommends:

**Amend the address of the Statement of Significance for HO136 as shown in the Panel preferred version in Appendix C1.**

**Amend column 2 in the Schedule to Clause 43.01 to modify the address of HO136 as shown in the Panel preferred version in Appendix C4.**

### 5.3 Description of Heritage Overlay polygons

The Panel noted to Council that PPN01 includes discussion about establishing a curtilage and polygon for heritage places. In particular, PPN01 states that:

Where questions might arise in the future as to the extent of the polygon shown on the planning scheme map, use the entry in the Schedule to the Heritage Overlay (i.e. column two) to specify the area covered by the polygon. For example:

“The heritage place is the Moreton Bay Fig Tree and land beneath and beyond the canopy of the tree and extending for a distance of five metres from the canopy edge.”

The Panel discussed with Council whether it had considered describing the polygons in column 2 in the Schedule to Clause 43.01. The Panel raised this matter in response to concerns from some submitters about the lack of clarity regarding the extent of the Heritage Overlay polygons.

In response, Council said it had an open mind to such an approach, however it noted:

- PPN01 also states that great care needs to be taken to ensure that there was consistency between any written description and the polygon on the map and in the event of a discrepancy then the map takes precedence
- any member of the public can request DELWP to provide an accurate detailed map showing the location of a polygon
- there was potential for written descriptions to become unwieldy and they may detract from the clarity of column 2 in the Schedule to Clause 43.01.

The Panel acknowledges the issues raised by Council and makes no recommendation regarding this matter. Council may wish to discuss this drafting issue in further detail with DELWP as part of the finalising of the Amendment, if appropriate.

## Appendix A Submitters to the Amendment

No.	Submitter
1	Mr Paytoncular
2	Mr Wright and Ms Mullan
3	VicTrack
4	Owners of 398-428 Exford Road, Weir Views
5	Ms Attard
6	Sungenia (Ingenia) Brookfield Dev Co Pty Ltd
7	Ms McNaughton
8	Department of Transport
9	Victorian Planning Authority

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## Appendix B Document list

No.	Date	Description	Presented by
1	30/10/2020	Letter – from Panel to all parties regarding Directions, Distribution List and Timetable	Panel
2	27/11/2020	Letter – from Harwood Andrews on behalf of Council submitting Documents 3 to 24	Council
3	27/11/2020	Submission – Council Part A	Council
4	27/11/2020	Map – Location of all proposed Heritage Overlays	Council
5	27/11/2020	Maps – Location of proposed Heritage Overlays within approved and future Precinct Structure Plans at Chartwell East, Melton East, Rockbank North and Toolern (x4 maps)	Council
6	27/11/2020	Letter – Authorisation of Amendment C198melt by DELWP dated 8 November 2019	Council
7	27/11/2020	List – Agencies notified of the Amendment	Council
8	27/11/2020	Table – Summary of Heritage Places, HERCON criteria and local significance	Council
9	27/11/2020	Table – Summary of submissions and Council response	Council
10	27/11/2020	Table – List of post-exhibition proposed changes to Amendment documentation and citations	Council
11a	27/11/2020	Revised Citation HO129	Council
11b	27/11/2020	Revised Statement of Significance HO129	Council
12a	27/11/2020	Revised Citation HO130	Council
12b	27/11/2020	Revised Statement of Significance HO130	Council
13a	27/11/2020	Revised Citation HO131	Council
13b	27/11/2020	Revised Statement of Significance HO131	Council
14a	27/11/2020	Revised Citation HO132	Council
14b	27/11/2020	Revised Statement of Significance HO132	Council
15a	27/11/2020	Revised Citation HO133	Council
15b	27/11/2020	Revised Statement of Significance HO133	Council
16a	27/11/2020	Revised Citation HO134	Council
16b	27/11/2020	Revised Statement of Significance HO134	Council
17a	27/11/2020	Revised Citation HO135	Council
17b	27/11/2020	Revised Statement of Significance HO135	Council
18	27/11/2020	Revised Statement of Significance HO136	Council
19	27/11/2020	Revised Statement of Significance HO137	Council



No.	Date	Description	Presented by
20	27/11/2020	Revised Schedule to Clause 43.01 Heritage Overlay	Council
21	27/11/2020	Revised Schedule to Clause 72.04 Documents Incorporated in this Planning Scheme	Council
22	27/11/2020	Table – Summary of consultation with submitters regarding post-exhibition proposed changes	Council
23	27/11/2020	Photographs – Provided by Ms Attard to Council dated 23 July 2020 (x6 photographs)	Council
24	27/11/2020	Expert witness statement – Mr Hemingway, dated 27 November 2020	Council
25	30/11/2020	Map – Revised Heritage Overlay Map Sheet 12HO (HO129 and HO130)	Council
26	30/11/2020	Map – Revised Heritage Overlay Map Sheet 7HO (HO132)	Council
27	30/11/2020	Map – Revised Heritage Overlay Map Sheet 8HO (HO133)	Council
28	30/11/2020	‘Tara Stud’ Incorporated Plan, October 2020	Council
29	1/12/2020	Letter – from Panel to all parties regarding Hearing protocols using Microsoft Teams	Panel
30	1/12/2020	Email – from Monica Ceckiewicz of Insight Planning on behalf of Sungenia (Ingenia) Brookfield Dev Co Pty Ltd responding to letter from Council dated 25 November 2020 (attached to email)	Ms Ceckiewicz
31	4/12/2020	Submission – Council Part B	Council
32	6/12/2020	Submission – Ms Attard	Ms Attard
33	8/12/2020	Report – <i>City of Melton Heritage Assessments Project 2018 Findings</i> prepared by RBA Architects and Conservation Consultants, November 2018	Council
34	8/12/2020	Email – Copy of email correspondence dated 23 November 2020 from Submitter 2 to Council in response to Draft Incorporated Plan for HO133	Council

## Appendix C Panel preferred version of Amendment documents

The Panel has shown the recommended changes on a 'clean' version of the exhibited documents. Changes are shown as:

[Tracked Added](#)

~~Tracked Deleted~~

Only documents that include changes recommended by the Panel are included in the following Appendices:

Appendix C1: Panel preferred versions of Statements of Significance (HO129-HO137)

Appendix C2: Panel preferred version of Heritage Overlay maps for HO130, HO132 and HO133

Appendix C3: Tara Stud (former) Outbuildings, 2 Killarney Drive, Melton, Incorporated Plan, October 2020

(Appendix C3 contains a new document and tracked changes have not been shown.)

Appendix C4: Panel preferred version of Schedule to Clause 43.01 (HO129 – HO137)

Appendix C5: Panel preferred version of Schedule to Clause 72.04

**C1 Panel preferred version of Statements of Significance  
(HO129-HO137)**

**Statement of Significance: House at 398-428 Exford Road, Weir Views, 'House', November 2018 Statement of Significance**

<b>Heritage Place:</b>	House 398-428 Exford Road, Weir Views	<b>PS ref no:</b>	HO129
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**What is significant?**

The Federation [period](#) weatherboard house at 398-428 Exford Road, Weir Views.

The weatherboard house originally had a symmetrical façade. It was later extended at the northern end in a similar manner to the original section so that the entry is located off-centre (towards the southern end). Two red brick chimneys survive to the southern elevation and the roof is clad in corrugated sheet metal. The original double hung sash windows have vertical glazing bars (that is the sashes are two-paned).

**How is it significant?**

The 'House' is of local historical and representative significance to the City of Melton.

**Why is it significant?**

The house at 398-428 Exford Road, Weir Views is historically significant for being an early weatherboard house, likely to have been constructed during the first decade of the 20<sup>th</sup> century. It is one of a few such buildings in the City which are a testament to its rural history.

The Federation period house has associations with the Exford Estate, of which it formed part until the turn of the 21<sup>st</sup> century. It was probably built for a farm manager or the like. The house faces the northern group of outbuildings to Exford Homestead (located on the opposite side of the road), including the woolshed, coach house and former blacksmith's forge and residence. Though the residence is now separated from these buildings by Exford Road, the house maintains a visual relationship with the outbuildings and was likely erected before the road was created in 1911. The Exford Estate is significant for its associations with the earliest phase of European occupation of the Port Phillip District (later Victoria). Initially occupied by Dr John Watton, a member of the Port Phillip Association, it was taken over by Simon Staughton in 1842 and was retained by the Staughton family (Harry Werribee and Harold Werribee) until the late 1920s. (Criterion A)

The house is of representative significance for being a relatively intact example of a turn of the century house. It has a distinct lack of detailing, not uncommon for timber houses in a rural location. In its appearance, it is similar to the other houses built about the turn of the 20<sup>th</sup> century associated

with the Closer Settlement Scheme that was undertaken on Exford holdings. [Whilst its chimney detailing in particular identifies, the house, as dating to the Federation period, it is an example of the Victorian survival type](#) (Criterion D).

**Primary source**

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*City of Melton Heritage Assessments Project 2018: Findings, RBA Architects and Conservation Consultants (November 2018)*

This document is an incorporated document in the Melton Planning Scheme pursuant to section 6(2)(j) of the *Planning and Environment Act 1987*

### **Statement of Significance: 430-458 Exford Road, Weir Views, 'Staughton Infant Grave', November 2018 Statement of Significance**

<b>Heritage Place:</b>	Staughton Infant Grave 430-458 Exford Road, Weir Views	<b>PS ref no:</b>	HO130
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#### **What is significant?**

The grave at 430-458 Exford Road, Weir Views, and its associated setting including the nearby copse of trees and the view to the valley of Toolern Creek to the east. The gravestone is comprised of a rectangular basalt base with a bevelled upper surface, surmounted by a remnant piece of white marble (likely to have originally been [in the form of](#) a cross) bearing a carved inscription – 'Died 11<sup>th</sup> October 1880 aged 9 months and 20 days'. The grave is almost certainly that of infant Rupert Werribee Staughton, the fourth child of Harry Werribee and Anna Maria Staughton who owned the Exford Estate.

[The adjacent copse of trees to the west, including a Stone Pine \(\*Pinus pinea\*\).](#)

#### **How is it significant?**

The grave is of local historical, rarity and representative significance to the City of Melton.

#### **Why is it significant?**

The grave is historically significant as one of a few, but nonetheless rare, isolated marked graves in the Municipality with its original gravestone and in its original location. It is also the only known infant grave. It has strong associations with the prominent Staughton family, and the grave site is located on land that until recently was associated with the Exford Estate. [It is distinguished from the main other examples by being later, 1880 as compared to 1850s, and post-dates the establishment of the Melton cemetery in the early 1860s.](#) (Criteria A & B)

The small basalt and marble gravestone is of representative significance for being a [mostly partly intact intact-and-original](#) example [of a grave on a rural estate](#). The base, a small basalt plinth, remains intact however the [white](#) marble component [which surmounts it](#), likely to have been a cross [originally](#), has been broken [such that only the lower part survives albeit retaining an inscription. The adjacent copse of trees, including a well-established Stone Pine \(\*Pinus pinea\*\) provides a complementary setting.](#) (Criterion D)

**Primary source**

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*City of Melton Heritage Assessments Project 2018: Findings, RBA Architects and Conservation Consultants (November 2018)*

This document is an incorporated document in the Melton Planning Scheme pursuant to section 6(2)(j) of the *Planning and Environment Act 1987*

**Behlen Shed Statement of Significance: 2-98 Staughton Street, Melton South, 'Behlen Shed', November 2018**

<b>Heritage Place:</b>	Behlen Shed <u>2-98 Staughton Street, Melton South</u> <del>Brooklyn Road, Melton South</del> <del>(on the railway reserve, part of 2-98 Staughton Street)</del>	<b>PS ref no:</b>	HO131
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**What is significant?**

The mid-20th century prefabricated frameless steel shed.

The Behlen Shed is a prefabricated frameless steel structure, originally used as a grain shed/silo, with a distinct profile that allows a clear open span internally. The location of the original distribution auger/elevator is evident to the north (road) side as is another chute on the south (track) side. The format of the shed is windowless with three doorways on the track side. After it ceased being employed for grain or chaff, a large doorway was introduced to both short elevations.

**How is it significant?**

The Behlen Shed is of local historical and aesthetic significance to the City of Melton.

**Why is it significant?**

Historically the Behlen Shed is significant as reflecting the extent of facilities required to support the chaff and grain industry in the municipality but particularly in the Melton South area, where the quality of the local grain and chaff was long recognised. It was erected during the mid-1960s for the Grain Elevator Board and was probably built as a storage shed initially with the elevator (distribution auger) and chute added by 1970. Due to the loss of the two nearby chaff mills to fire (in 1977 and 1987), the Behlen Shed is a potent reminder of the chaff mill and associated industry in the municipality generally but especially in the Melton South area where it was a major industry. (Criterion A)

The Behlen Shed is aesthetically significant as an imported prefabricated structure utilising the frameless Dubl-Panel system developed by the Behlen Manufacturing Company of Nebraska, USA. It was one of probably only 13 employed by the Grain Elevators Board of Victoria. The structure is frameless, has a distinct undulating profile, consisting of a variety of secondary corrugations, etc. imprinted in the sheets, which provides its inherent strength. (Criterion E).

**Primary source**

*City of Melton Heritage Assessments Project 2018: Findings, RBA Architects and Conservation Consultants (November 2018)*



This document is an incorporated document in the Melton Planning Scheme pursuant to section 6(2)(j) of the *Planning and Environment Act 1987*

**Statement of Significance: 325 Clarks Road, Brookfield, 'Former Melton Stud', November 2018 Statement of Significance**

<b>Heritage Place:</b>	Former Melton Stud 325 Clarks Road, Brookfield	<b>PS ref no:</b>	HO132
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**What is significant?**

The Federation period Melton Stud, including the main part of the symmetrical weatherboard residence with a hipped roof, brick chimney, symmetrical façade and verandah to the front ~~and two adjacent Sugar Gums (Eucalyptus cladocalyx), the grave of 'The Welkin' and one Sugar Gum~~ and the weatherboard stallion box with hipped roof. ~~and attached exercise yard with approximately ten Sugar Gums that mark the outline of the original yard.~~

The rear skillion section of the house is not significant.

**How is it significant?**

The former Melton Stud is of local historical and representative significance to the City of Melton.

**Why is it significant?**

Historically, Melton Stud is significant as an early thoroughbred stud in the Melton area, an activity for which the Municipality became noted. The stud was established in 1906 by highly regarded racehorse breeder E E D Clarke, brother of Sir Rupert Clarke. During his lifetime, Clarke was reported to be the 'biggest stake-winner of all time on the Australian Turf'. In the 29 years that Clarke owned Melton Stud, he purchased, bred and sold many renowned racehorses. The most famous of the horses he owned was the imported English horse 'The Welkin' whose grave is located at the site. At the time of his death, 'The Welkin' was noted as one of the most successful sires in Australia. Another of Clarke's noted horses was the Melton Stud bred 'Trivalve' who in a single year won the AJC Derby (Sydney), the Victoria Derby and the Melbourne Cup.

It is also significant for its associations with the subdivision of the substantial Exford Estate which occurred from the beginning of the 20th century and marked a major new era in the history of the Melton area. (Criterion A)

The former Melton Stud is of representative significance as an example of an early Federation period horse stud complex. It includes the original residence and outbuildings ~~and planted Sugar Gums~~. The

weatherboard house has characteristics typical of the Federation period including the [prominent](#) hipped roof with continuous verandah and lapped corrugated metal sheeting, as well as the face [red](#) brick chimney (with [strapping and](#) terracotta pots) and the symmetrical composition with central entry and timber sash windows.

The nearby timber stallion box is largely intact and retains original lapped corrugated metal sheeting to the hipped roof with galvanised ogee profile gutters, both typical of the period. The structure has a timber stable door to the front and a band of [fixed](#) louvres to the upper part of the walls. [Internally the walls and ceiling are timber-lined and the floor is lined with red bricks.](#)

~~The thirteen mature Sugar Gums, which were planted when the stud was established, contribute to the setting of the house and the grave which is located close to the property entry. Many of the Sugar Gums in the vicinity of the stallion box mark the boundary of the attached exercise yard. The prime location of 'the Welkin' horse grave (1904-25), with its grey granite headstone near the entrance to the property, clearly demonstrates the importance of the stud activity at the site and was a reminder of the credentials of their operations.~~ The location of the house at the southern end of the property, high on the riverbank overlooking the reservoir but oriented towards the outbuildings and paddocks, contributes to an understanding of the former stud, reflecting both the premier location of the land and the important standing of the horses. (Criterion D).

#### **Primary source**

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*City of Melton Heritage Assessments Project 2018: Findings, RBA Architects and Conservation Consultants (November 2018)*

This document is an incorporated document in the Melton Planning Scheme pursuant to section 6(2)(j) of the *Planning and Environment Act 1987*

## Statement of Significance: 2A Sherwin Court and 2 Killarney Drive, Melton, 'Tara Stud' (former), ~~House and~~ Outbuildings and Trees, November 2018 (Tara Stud) Statement of Significance

<b>Heritage Place:</b>	<del>House and Outbuildings</del> <a href="#">Tara Stud (former)</a> <del>Outbuildings and Trees</del> <a href="#">(Tara Stud)</a> <del>2-6 Sherwin Court,</del> 2A Sherwin Court and 2 Killarney Drive, Melton	<b>PS ref no:</b>	HO133
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### What is significant?

The ~~weatherboard house at 2-6 Sherwin Court, Melton and the~~ three largely intact outbuildings (~~northern~~ stables, ~~southern shed/stables~~ large-gabled shed and ~~small~~ office building) ~~as well as the metal horse-walker~~ at 2 Killarney Drive and the row of 11 cypress trees on the adjacent public reserve (~~at 2A Sherwin Court, Melton~~).

The Old-English-Revival style house has a gable roof clad in terracotta tiles a squat-clinker-brick chimney and multi-paned timber windows. ~~In addition to the house, both the southern shed/stables and the office building have similar detailing - including decorative treatments to the gable roof, end including timber bargeboards terminating with a curved section, and overlapping boards with bevelled rounded ends to a gable end and in addition the office building has a perforated soffit detail. Many of these details had been employed on the associated Old English Revival style house that stood until 2020 on the adjoining land (2-6 Sherwin Court). The later northern stables building has a lower pitched and timber-lined stalls. The outbuildings are clad in either corrugated sheet metal or weatherboards, or a combination of the two. (excluding the office building).~~

### How is it significant?

~~The house at 2-6 Sherwin Court, Melton is of local historical and aesthetic significance to the City of Melton.~~ The three largely intact outbuildings ~~, the horse-walker~~ (2 Killarney Drive) and the associated row of cypress trees (2A Sherwin Court) are of historic significance and representative significance ~~to the City of Melton.~~

### Why is it significant?

Historically Tara Stud is representative of the facilities employed during the mid-20th century for the horse industry, which was an important industry for the Municipality from the late nineteenth century. The site has a long association with equine activity as it was part of the 'sports paddock' which was

used for various events including hunt club gatherings during the 19th century. From 1959, Tara Stud was owned by Russell George O'Shea who was secretary of the Metropolitan and Country Trotting Association and owned successful trotters including 'Tara Dream'.

Historically the site is also associated with notable local identities including the Hornbuckle family and later was occupied by the Nixons who were related to the Hornbuckles. (Criterion A)

~~The single storey house at 2-6 Sherwin Court, Melton is of aesthetic significance for being a largely intact, weatherboard example of the Old English Revival style. The design is distinguished by the feature brickwork detailing to the entry porch and vertical battened boards to the gable ends. Possibly no other example of this style exist in the Municipality. (Criterion E)~~

The Tara Stud outbuildings (at 2 Killarney Drive) are of representative significance as largely intact examples of horse facilities constructed during the mid-20th century. The small office building and the large southern shed/stables incorporate decorative timber detailing to the gable ends which relate to that of the former house and reflect the high quality of the facilities [as does the timber-lined stalls of the northern stables building](#). ~~The horse walker contributes to understanding the former use of the site whilst~~ the row of mature cypresses (2A Sherwin Court) ~~contribute to the setting~~ [are another remnant and define one of the edges](#) of the former complex stud. (Criterion D).

#### Primary source

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*City of Melton Heritage Assessments Project 2018: Findings, RBA Architects and Conservation Consultants (November 2018)*

This document is an incorporated document in the Melton Planning Scheme pursuant to section 6(2)(j) of the *Planning and Environment Act 1987*

## **Statement of Significance: 660A Beattys Road, Bonnie Brook, 'Water Reserve, Beattys Road', November 2018 Statement of Significance**

<b>Heritage Place:</b>	Water Reserve, Beattys Road 660A Beattys Road, Bonnie Brook	<b>PS ref no:</b>	HO134
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### **What is significant?**

The water reserve (land) adjoining the east side of Kororoit Creek, north of Beattys Road and including the dry stone wall on the north-eastern side. The reserve (landscape) is located at the important Beattys Road crossing of Kororoit Creek.

The relatively flat parcel of land is located close to the ruins of the former Rockbank Inn and has a rural context. Temporarily reserved in 1876, the site remains undeveloped and includes a small number of trees. It has an approximate area of 7 hectares.

### **How is it significant?**

The Beattys Road water reserve is of local historical significance to the City of Melton.

### **Why is it significant?**

Historically the Beattys Road water reserve is significant as a place that was set aside when the Village Reserve adjoining Kororoit Creek was subdivided into smaller lots during the 1870s. It is historically associated with both Beattys Road, which was once part of an early route used by diggers travelling between Melbourne and Ballarat, and the nearby Rockbank Inn, which accommodated some of these travellers.

More broadly, land for water reserves was set aside across the dry plains of the Melton area to support both smaller local farmers and travellers with stock by providing access to watercourses which had otherwise been largely restricted through private ownership. The reserve on Beattys Road is one of only a few identified rural water reserves that remain in the City of Melton. These water reserves were an important local resource in the 19th and early 20th centuries. The drystone wall located on the north-east side of the reserve also reflects the early practices of private landowners on Melbourne's western plains. (Criterion A)

### **Primary source**

*City of Melton Heritage Assessments Project 2018: Findings, RBA Architects and Conservation Consultants (November 2018)*

This document is an incorporated document in the Melton Planning Scheme pursuant to section 6(2)(j) of the *Planning and Environment Act 1987*

## Statement of Significance: 1267-1289 Beattys Road, Grangefields, 'Former Fulham Park', November 2018 **Statement of Significance**

<b>Heritage Place:</b>	Former Fulham Park 1267-1289 Beattys Road, Grangefields	<b>PS ref no:</b>	HO135
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### **What is significant?**

The remnants of the Victorian stone cottage at the former Fulham Park and the nearby riveted vessels (**movable elements**). The modest, circa 1860s cottage has a symmetrical format and retains an early chimney to each side.

### **How is it significant?**

The remnants of the cottage and the nearby vessels are of local historical and representative significance to the City of Melton.

### **Why is it significant?**

Historically, the remains of the cottage are significant as a relic of early settlement in the Melton area and was likely constructed during the selection era of the 1860s when a number of small farmers settled in the Rockbank district. The site is also significant for its association with the operations of the Cockbill family who established a successful pig and poultry stud at Rockbank during the early 20th century and also operated a knackery. The riveted vessels located to the south-east of the cottage are likely some of the only fabric that remains from the industrial activities of the Cockbill Brothers who operated in the area for almost 50 years.

Having been partly damaged by the devastating 1965 Toolern Vale fire, the ruin is also a testament to the destructive fires which destroyed many buildings in the municipality. (Criterion A)

The circa late-1860s cottage is a representative example of a Selection era dwelling, of which few survive in the Melton area. Although now ruinous, the remains of the basalt building are typical of small farm cottages constructed in the western volcanic plains in that era. Typical characteristics include the modest size, symmetrical composition with central doorway and the use of undressed basalt. (Criterion D)

### **Primary source**

*City of Melton Heritage Assessments Project 2018: Findings, RBA Architects and Conservation Consultants (November 2018)*

This document is an incorporated document in the Melton Planning Scheme pursuant to section 6(2)(j) of the *Planning and Environment Act 1987*

**Statement of Significance: 660A Beattys Road, Bonnie Brook, 'Beattys Bridge', November 2018 Statement of Significance**

<b>Heritage Place:</b>	Beattys Bridge <a href="#">660A Beattys Road, Bonnie Brook</a> <del>Beattys Road, crossing of Kororoit Creek, Aintree</del>	<b>PS ref no:</b>	HO136
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**What is significant?**

The remains of the timber bridge known as Beattys Bridge which crosses Kororoit Creek and the stone cobbles located to the west of the bridge. The 3-span bridge has unhewn piles, stringers and corbels with large sawn cross beams and remnants of a circa 1930s longitudinal deck.

**How is it significant?**

The remains of Beattys Bridge and the nearby stone cobbles are of local historical significance to the City of Melton.

**Why is it significant?**

Historically, the Beattys Bridge ruins are significant as the remains of a timber vehicular bridge from the late 19th/early 20th century, of which only a few remain in the City of Melton. Beattys Road had been part of a major route from Melbourne to Ballarat. The crossing of the road over Kororoit Creek has associations with both the nearby water reserve and the Rockbank Inn which began as an early 1850s goldrush wayside inn and was later used by the Beatty family as a residence for about 90 years. The cobblestone road pavement is also associated with this important crossing. (Criterion A)

As one of only a few extant timber bridges in Melton, the remnants of Beattys Bridge have the potential to yield information that could contribute to an understanding of how the construction of timber vehicular bridges evolved from the 1890s, when part of the extant bridge was probably constructed, through to circa 1930s when the superstructure of the bridge was likely changed. The cobbles located to the west of the bridge are one of only a few knapped or cobbled basalt roads that survive in the City of Melton. These roads, which were constructed in the late 19th and early 20th centuries, have the potential to yield information about early road construction in Victoria. (Criterion C)

The remnant structure of Beattys Bridge is of representative significance as a timber bridge with a longitudinal deck that became a standard type constructed by the Country Roads Board and municipal councils post-1930. The use of round, unhewn log stringers and corbels was common for road bridges that were constructed both during and after the 1890s depression. (Criterion D)

**Primary source**

*City of Melton Heritage Assessments Project 2018: Findings, RBA Architects and Conservation Consultants (November 2018)*

This document is an incorporated document in the Melton Planning Scheme pursuant to section 6(2)(j) of the *Planning and Environment Act 1987*



**Statement of Significance: 687 Hopkins Road, Truganina,  
'Tibbermore', November 2018 Statement of Significance**

<b>Heritage Place:</b>	Tibbermore 687 Hopkins Road, Truganina	<b>PS ref no:</b>	HO137
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**What is significant?**

The original basalt part of Tibbermore at 687 Hopkins Road, Truganina, which has been incorporated into the rear part of the building. It was built for Robert Henry Faragher, probably circa 1860s-1870s.

In addition, possibly the water tank, outbuildings, and other items in the vicinity of the main house may also date to an early phase/s of development at the site.

There are also sections of drystone walling which are significant and are included in the Mt Atkinson Dry Stone Wall Precinct (HO203).

The Federation period component of the house (front part) has some heritage value in its form, though it has been much altered. The house was enlarged in 1903 for Finlay McPhail. The alterations were probably due to damage sustained by a 1968 bushfire. The Federation period component has the potential to be more sympathetically presented or possibly reconstructed, if documentation survives or investigations are undertaken to reveal earlier detailing.

**How is it significant?**

Tibbermore at 687 Hopkins Road, Truganina is of local historical and representative significance to the City of Melton.

**Why is it significant?**

Tibbermore at 687 Hopkins Road, Truganina is historically significant for being an early basalt house. Although its date of construction has not been confirmed, it is likely to date to the 1860s or 1870s. It was one of a few such buildings, or remnants of buildings, which survive in the municipality and which are evocative of an early phase of European settlement in the area.

It has associations with Robert Faragher, an early occupant and prominent citizen in the district. He was probably living at the site by 1856 a few years after he emigrated from England. The Faragher family retained the property for nearly half a century. (Criterion A)

Tibbermore at 687 Hopkins Road, Truganina is of representative significance for incorporating a relatively intact, basalt component within a larger Federation period house, which although altered externally, retains its early 20th century form. (Criterion D)

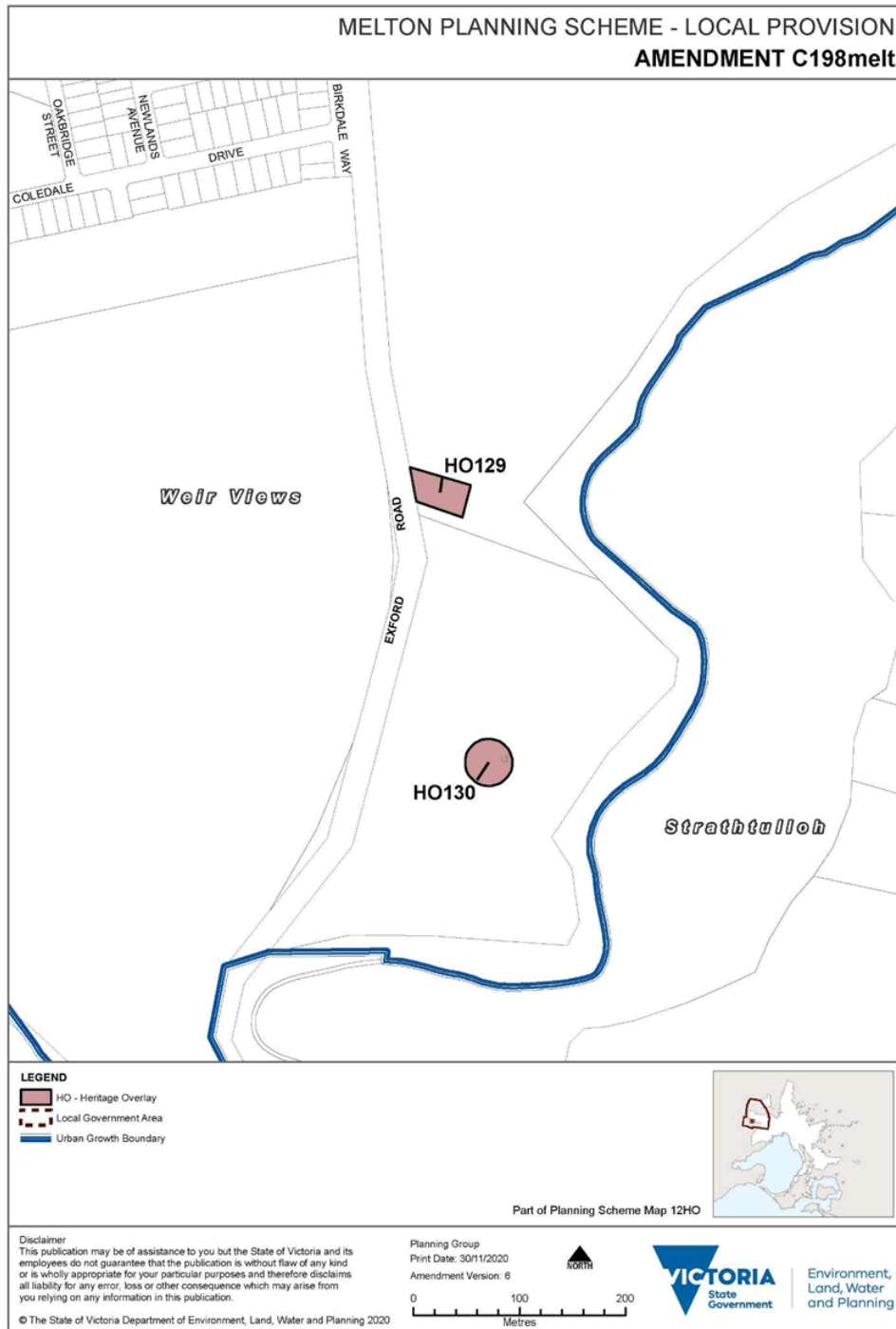
**Primary source**

*City of Melton Heritage Assessments Project 2018: Findings, RBA Architects and Conservation Consultants (November 2018)*

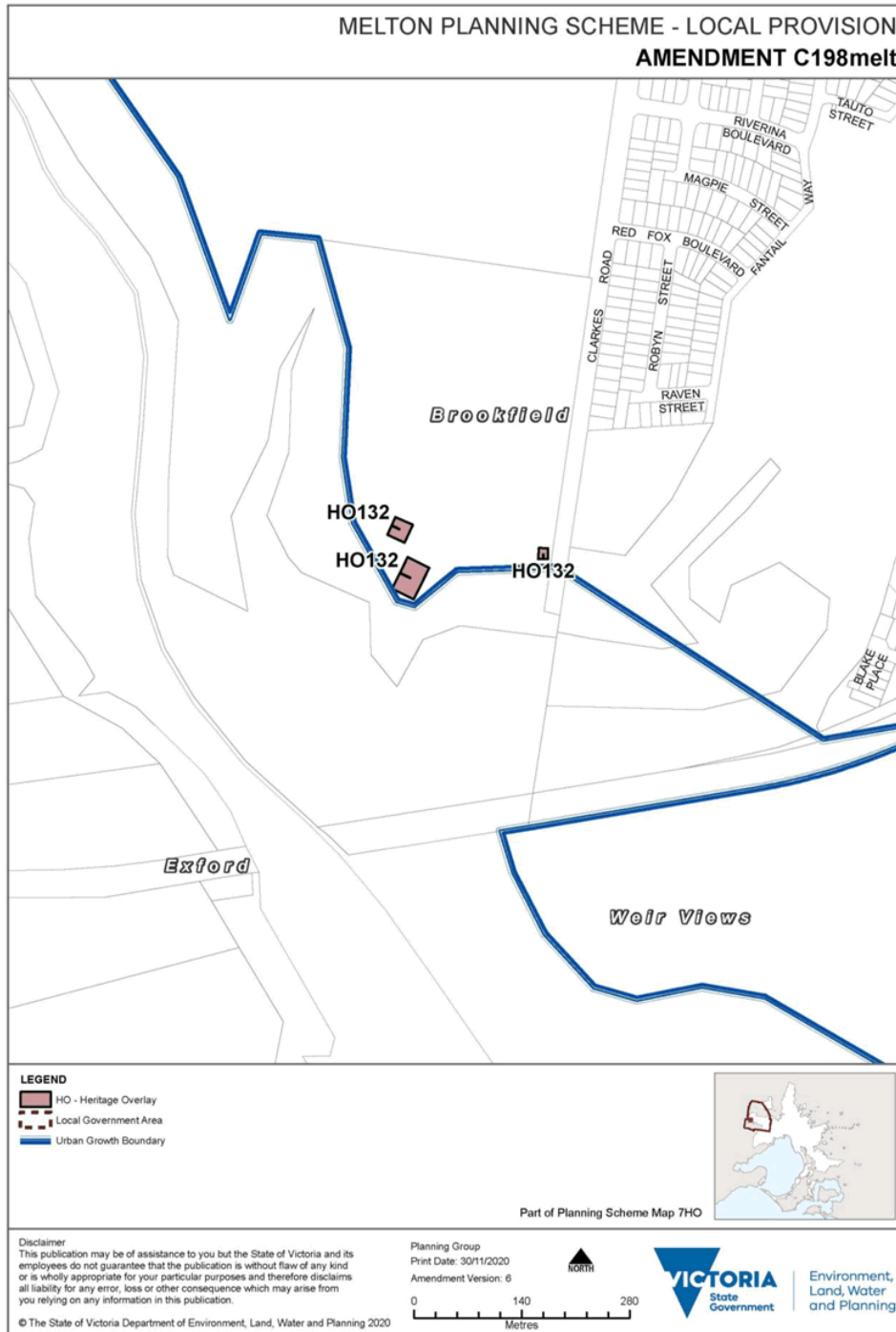
This document is an incorporated document in the Melton Planning Scheme pursuant to section 6(2)(j) of the *Planning and Environment Act 1987*

**C2 Panel preferred version of Heritage Overlay maps for  
HO130, HO132 and HO133**

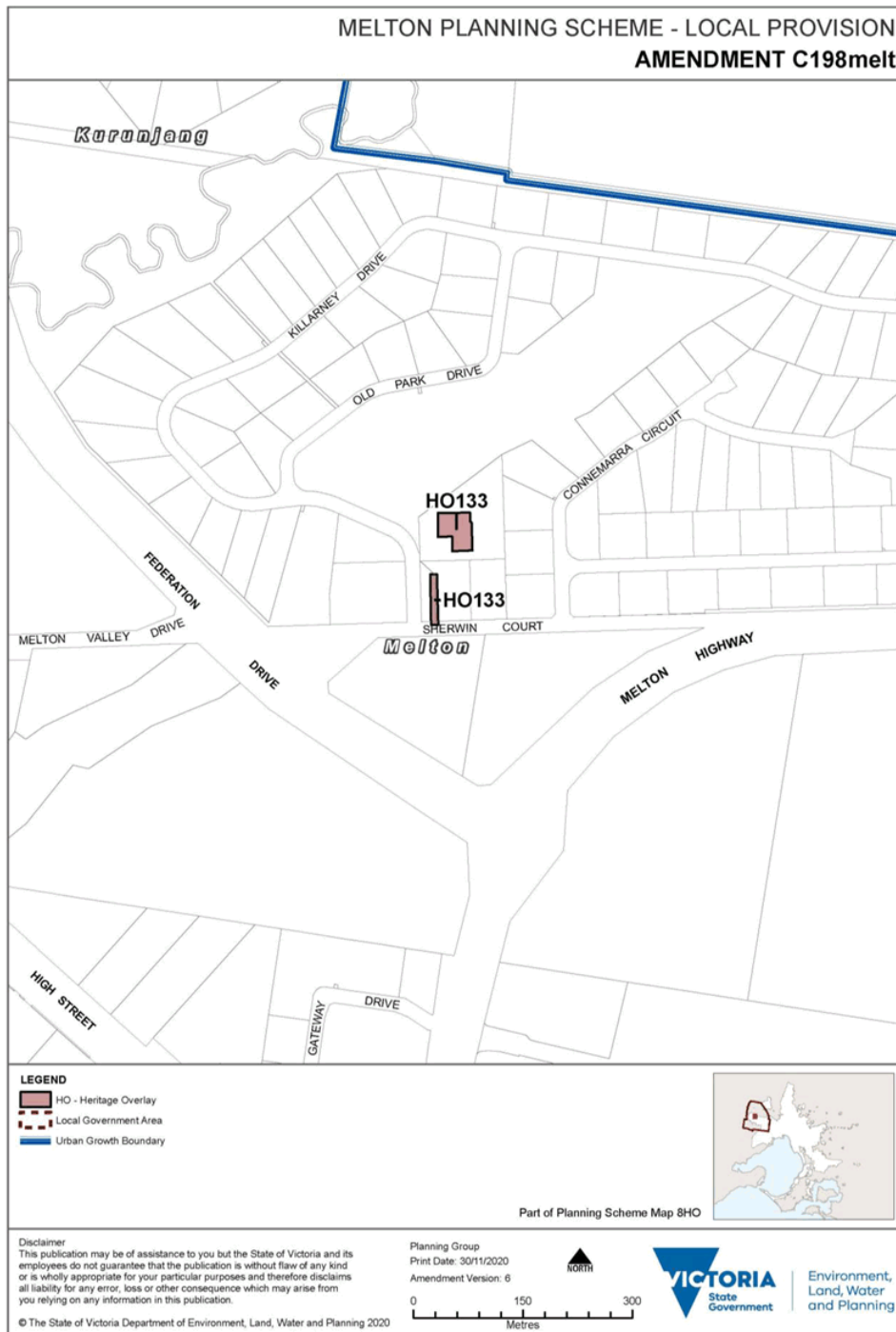
Melton Planning Scheme Amendment C198melt | Panel Report | 23 December 2020



Melton Planning Scheme Amendment C198melt | Panel Report | 23 December 2020



Melton Planning Scheme Amendment C198melt | Panel Report | 23 December 2020



**C3 Tara Stud (former) Outbuildings, 2 Killarney Drive,  
Melton, Incorporated Plan, October 2020**

**MELTON PLANNING SCHEME**

**'Tara Stud' (former) Outbuildings**  
**2 Killarney Drive, Melton**  
**Incorporated Plan, October 2020**

This document is an incorporated document in the Melton Planning Scheme pursuant to  
Section 6(2)(j) of the *Planning and Environment Act 1987*.



**Melton Planning Scheme - Incorporated Plan****Tara Stud HO133****2 Killarney Drive, Melton**

*This plan is incorporated in the Melton Planning Scheme under Clause 43.01 (Heritage Overlay) and Clause 72.04 (Documents Incorporated in this Planning Scheme)*

**1. The purpose of the Plan**

The purpose of this plan is to establish planning permit exemptions for part of the 'Tara Stud' at 2 Killarney Drive, Melton, under the provisions of Clause 43.01.

Pursuant to Clause 43.01-3 of the Melton Planning Scheme, no planning permit is required under the Heritage Overlay for the buildings and works specified in this plan.

**2. Application of Plan**

This plan applies to that part of the land at 2 Killarney Drive, Melton comprising part of the heritage place known as the Tara Stud and identified as HO133 in the Schedule to Clause 43.01 of the Melton Planning Scheme (refer to Map 1).

**3. Planning Permit Exemptions**

Pursuant to Clause 43.01-3 of the Melton Planning Scheme, no planning permit is required under the Heritage Overlay to:

- Demolish or remove a fence;
- Construct a post and wire fence associated with the use of the land for agriculture.

**4. Reference documents**

*City of Melton Heritage Assessments Project 2018 (RBA Architects & Conservation Consultants, November 2018)*

Map 1



**C4 Panel preferred version of Schedule to Clause 43.01  
(HO129-HO137)**

**SCHEDULE TO CLAUSE 43.01 HERITAGE OVERLAY**

**1.0 Application requirements**

None specified.

**2.0 Heritage places**

The requirements of this overlay apply to both the heritage place and its associated land.

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO129	<p><b>House</b> 398-428 Exford Road, Weir Views</p> <p>The heritage place is the Federation period weatherboard house and its setting towards Exford Road.</p> <p><b>Statement of significance:</b> <a href="#">Statement of Significance: 398 – 428 Exford Road, Weir Views, "House" November 2018</a> <del><a href="#">City of Melton Heritage Assessments Project 2018: Statements of Significance</a></del></p>	Yes	No	No	No	No	No	No
HO130	<p><b>Staughton Infant Grave</b> 430-458 Exford Road, Weir Views</p> <p>The heritage place is the grave and its associated setting including a copse of trees and the view to the valley of Toolern Creek to the east and the adjacent copse of trees to the west, including a Stone Pine (<i>Pinus pinea</i>).</p> <p><b>Statement of significance:</b> <a href="#">Statement of Significance: 430-458 Exford Road, Weir Views, "Staughton Infant Grave" November 2018.</a></p>	No	No	Yes	No	No	No	No

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
	<p><a href="#">City of Melton Heritage Assessments Project 2018: Statements of Significance</a></p> <p><b>Behlen Shed</b>  <a href="#">2-98 Staughton Street, Melton South Brooklyn Road, Melton South (on the railway reserve, part of 2-98 Staughton Street)</a>                      The heritage place is the mid-20th century prefabricated frameless steel shed.  <b>Statement of significance:</b>  <a href="#">Statement of Significance: 2-98 Staughton Street, Melton South, "Behlen Shed" November 2018</a>  <a href="#">City of Melton Heritage Assessments Project 2018: Statements of Significance</a></p>	No	No	No	No	No	No	No
HO132	<p><b>Former Melton Stud</b>                      325 Clarkes Road, Brookfield                      The heritage place is the Federation period Melton Stud, including the <a href="#">main part of the weatherboard residence</a>, the grave of 'The Welkin' and <a href="#">the the Sugar-Gums (Eucalyptus cladocalyx) adjacent to both the house and the grave and a weatherboard stallion box with hipped roof and attached exercise yard with Sugar-Gums.</a>  <b>Statement of significance:</b>  <a href="#">Statement of Significance: 325 Clarkes Road, Brookfield, "Former Melton Stud" November 2018</a>  <a href="#">City of Melton Heritage Assessments Project 2018: Statements of Significance</a></p>	No	No	No Yes - approximately 13-Sugar Gums located in overlay	Yes	No	No	No
HO133	<p><b>Tara Stud (former) - Outbuildings and Trees. House and outbuildings (Tara Stud)</b>                      2-6 Sherwin Court, 2 Killarney Drive, 2a Sherwin Court, Melton                      The heritage place is the three largely intact outbuildings (northern stables, southern</p>	Yes	No	Yes = Cyprus Trees	Yes	No	No	No

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PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO134	<p>shed/stables and office building) at 2 Killarney Drive and the row of 11 cypress trees on the adjacent public reserve at 2A Sherwin Court, weatherboard house at 2-6 Sherwin Court, Melton and the three outbuildings (stables, large gabled shed and small office building) as well as the metal horse-walker at 2 Killarney Drive and the row of 11 cypress trees on the adjacent public reserve at 2A Sherwin Court, Melton.</p> <p><b>Statement of significance:</b>  <a href="#">Statement of Significance: 2A Sherwin Court and 2 Killarney Drive, Melton, "Tara Stud (former) – Outbuildings and Trees" November 2018</a>  <a href="#">City of Melton Heritage Assessments Project 2018: Statements of Significance</a>  <b>Incorporated Plan:</b>  <a href="#">Tara Stud (former) Outbuildings, 2 Killarney Drive, Melton, Incorporated Plan, October 2020</a></p> <p><b>Water Reserve, Beattys Road</b>                      660A Beattys Road, Bonnie Brook                      The heritage place is the water reserve (land) adjoining the east side of Kororoit Creek, north of Beattys Road and including the dry stone wall on the north-eastern boundary.</p> <p><b>Statement of significance:</b>  <a href="#">Statement of Significance: 660A Beattys Road, Bonnie Brook, "Water Reserve, Beattys Road" November 2018</a>  <a href="#">City of Melton Heritage Assessments Project 2018: Statements of Significance</a></p>	No	No	No	Yes, dry stone wall located on the north-eastern side of the reserve	No	No	No
HO135	<p><b>Former Fulham Park</b>                      1267-1289 Beattys Road, Grangefields</p>	Yes	No	No	No	No	No	No

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PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO136	<p>The heritage place is the remnants of the Victorian stone cottage at the former Fulham Park and the nearby riveted vessels. <del>(movable elements)</del>.</p> <p><b>Statement of significance:</b> <a href="#">1267-1289 Beattys Road, Grangefields, "Former Fulham Park" November 2018</a></p> <p><del>City of Melton Heritage Assessments Project 2018: Statements of Significance</del></p> <p><b>Beattys Bridge</b> 660A Beattys Road, Bonnie Brook Beattys Road, crossing of Kororoit Creek, Airtree</p> <p>The heritage place is the remains of the timber bridge known as Beattys Bridge which crosses Kororoit Creek and the cobbled roadway to the west.</p> <p><b>Statement of significance:</b> <a href="#">660A Beattys Road, Bonnie Brook "Beattys Bridge" November 2018</a> <del>City of Melton Heritage Assessments Project 2018: Statements of Significance</del></p>	No	No	No	No	No	No	No
HO137	<p><b>Tibbermore</b> 687 Hopkins Road, Truganina</p> <p>The heritage place is the house known as Tibbermore, outbuildings and tank.</p> <p><b>Statement of significance:</b> <a href="#">687 Hopkins Road, Truganina, "Tibbermore" November 2018</a> <del>City of Melton Heritage Assessments Project 2018: Statements of Significance</del></p>	No	No	Yes <del>No</del>	Yes	No	No	No

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## **C5 Panel preferred version of Schedule to Clause 72.04**



11/10/2018  
C198**SCHEDULE TO CLAUSE 72.04 DOCUMENTS INCORPORATED IN THIS  
PLANNING SCHEME****1.0****Incorporated documents**11/10/2018  
GC96

<b>Name of document</b>	<b>Introduced by:</b>
Australian Standard AS2021-2015, Acoustics – Aircraft Noise Intrusion – Building Siting and Construction, Standards Australia Limited, 2015	VC107
Ballarat Line Upgrade Incorporated Document, August 2018	GC95
Ballarat Line Upgrade - Toolern Station Incorporated Document, January 2018	C194
Calder Park Train Stabling and Maintenance Yards Incorporated Document, September 2012	C125
Caroline Springs Town Centre Comprehensive Development Plan August 2000	C14
Chartwell Restructure Allotment Plan (August 1992)	NPS1
<b>City of Melton Heritage Assessments Project 2018: Statements of Significance</b>	<b>C198</b>
Conditions for use of Lots 1&2 LP30733K, Plumpton Road for rock crushing	C9
Conditions for use of south-west corner of Greigs Road and Mount Cottrell Road, Melton, Crown Portions 1 and 2, Section 11, Parish of Pywheitjorkk for Extractive Industry	C13
Design and Siting Guidelines for Rural Zones, Melton Shire Council, 1996	NPS1
Diggers Rest Development Contributions Plan, March 2012 (Amended September 2017)	C181
Diggers Rest Native Vegetation Precinct Plan, March 2012	C121
Diggers Rest Precinct Structure Plan, March 2012 (Amended September 2017)	C181
Eynesbury Station Incorporated Plan, September 2001	C20
Eynesbury Township Stages 5, 6 and 13 Native Vegetation Removal and Offset Requirements, May 2017	C176
Fibre Optic Project, Integrated Approval Requirements, December 2002	VC17
Guidelines for the Preparation of Environmental Management Plans in Melton's Rural Areas, Melton Shire Council, 1996	NPS1
HO110 Kerr Farm Site 1780-1882 Boundary Road, Mt Cottrell Incorporated Plan (2009)	C71
HO112 65-543 Greigs Road, Truganina Incorporated Plan (2009)	C71
HO128 Stoneleigh Homestead Complex, 196 Sinclairs Road, Rockbank – Statement of Significance, June 2016	C147
Kororoit Precinct Structure Plan, December 2017	C147
Melbourne Metro Rail Project: Upgrades to the Rail Network Incorporated Document, May 2018	GC96
Melton Cemetery Incorporated Plan (2008)	C73
Melton Dry Stone Wall Study Volume 3 – Statements of Significance, February 2016	C100
Melton North Precinct Structure Plan Development Contributions Plan, May 2010 (Amended June 2017)	GC75

Name of document	Introduced by:
Melton North Precinct Structure Plan, May 2010	C83
Melton Tourist Precinct Local Area Development Plan – February 1998	C4
Mount Cottrell Class A Recycled Water Storage Facility, Incorporated Document, March 2015	C138
Mt Atkinson & Tarneit Plains Infrastructure Contributions Plan, July 2018	C197
Mt Atkinson & Tarneit Plains Precinct Structure Plan, June 2017	C162
Outer Suburban Arterial Roads - Western Package Incorporated Document, June 2017	GC74
Palmers Road and Robinsons Road Upgrade (Sayers Road to Western Freeway, Truganina) Incorporated Document, July 2012	C81
Palmers Road Upgrade Project (Western Freeway to Calder Freeway) Incorporated Document, June 2017	C187
Paynes Road Precinct Structure Plan, February 2016	C161
Plumpton & Kororoit Infrastructure Contributions Plan, July 2018	C197
Plumpton Precinct Structure Plan, December 2017	C146
Rail Gauge Standardisation Project, Integrated Approval Requirements, December 2002	VC17
Ravenhall Concrete Segment Manufacturing Facility Incorporated Document, June 2018	C196
Regional Fast Rail Project, Integrated Approval Requirements, December 2002	VC17
Rail Infrastructure Projects Ballarat Rail Corridor Deviation: Fibre Optic Project, Integrated Approval Requirements (August 2003)	C40
Rail Infrastructure Projects Ballarat Rail Corridor Deviation: Regional Fast Rail Project, Integrated Approval Requirements (August 2003)	C40
RDAV Rockbank Facility Incorporated Document, July 2013	C151
Regional Rail Link Project Section 1 Incorporated Document, March 2015	GC26
Regional Rail Link Project Section 2 Incorporated Document, March 2015	GC26
Robinsons Road Employment Area South Native Vegetation Precinct Plan, February 2011	C65
Rockbank Development Contributions Plan, August 2016	C145
Rockbank Precinct Structure Plan, August 2016	C145
Rockbank North Development Contributions Plan, March 2012	C120
Rockbank North Native Vegetation Precinct Plan, March 2012	C120
Rockbank North Precinct Structure Plan, March 2012	C120
Shire of Melton Heritage Study Stage 2: Volume 6- Statements of Significance, March 2009	C71
Small Lot Housing Code, August 2014	GC22
Statement of Significance – 161 Bulmans Road, Melton West, May 2011	C113
<a href="#">Statement of Significance: 2-98 Staughton Street, Melton South, "Behlen Shed" November 2018</a>	<a href="#">C198</a>
<a href="#">Statement of Significance: 2A Sherwin Court and 2 Killarney Drive, Melton, "Tara Stud (former) – Outbuildings and Trees" November 2018</a>	<a href="#">C198</a>
<a href="#">Statement of Significance: 325 Clarkes Road, Brookfield, "Former Melton Stud" November 2018</a>	<a href="#">C198</a>

Name of document	Introduced by:
<a href="#">Statement of Significance: 398-428 Exford Road, Weir Views, "House" November 2018</a>	<a href="#">C198</a>
<a href="#">Statement of Significance: 430-458 Exford Road, Weir Views, "Staughton Infant Grave" November 2018</a>	<a href="#">C198</a>
<a href="#">Statement of Significance: 660A Beattys Road, Bonnie Brook, "Beattys Bridge" November 2018</a>	<a href="#">C198</a>
<a href="#">Statement of Significance: 660A Beattys Road, Bonnie Brook, "Water Reserve Beattys Road" November 2018</a>	<a href="#">C198</a>
<a href="#">Statement of Significance: 687 Hopkins Road, Truganina, "Tibbermore" November 2018</a>	<a href="#">C198</a>
<a href="#">Statement of Significance: 1267-1289 Beattys Road, Grangefields, "Former Fulham Park" November 2018</a>	<a href="#">C198</a>
Statement of Underlying Provisions - Land reserved for the Outer Metropolitan Ring and the E6 Transport Corridor, July 2010 (updated May 2012)	C128
Sunbury Electrification Project Incorporated Document February 2010	C96
<a href="#">Tara Stud (former) Outbuildings, 2 Killarney Drive, Melton, Incorporated Plan, October 2020</a>	<a href="#">C198</a>
Taylors Hill West Precinct Structure Plan (including the Taylors Hill West Native Vegetation Precinct Plan) May 2010 (Amended December 2016)	C178
Taylors Hill West Development Contributions Plan, July 2010 (Amended June 2017)	GC75
Toolern Park Precinct Structure Plan, August 2014	C122
Toolern Park Development Contributions Plan, August 2014 (Amended June 2017)	GC75
Toolern Precinct Structure Plan (including Toolern Native Vegetation Precinct Plan), July 2011 (Amended December 2015)	C161
Toolern Development Contributions Plan, July 2011 (Amended December 2015)	C161
Water for a Growing West Project Incorporated Document, July 2014	GC18
Western Highway Realignment (Melton to Bacchus Marsh) Incorporated Document, December 2009	C94