

# EXPERT EVIDENCE STATEMENT

## November 2019

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## 1.0 INTRODUCTION

### Purpose

- {1} This statement of evidence has been prepared for the Greater Shepparton City Council in support of proposed Amendment C205 to the Greater Shepparton Planning Scheme.
- {2} The Amendment seeks to apply the Heritage Overlay to 178 Individual places and 5 Precincts. These places were identified as being of cultural heritage significance in the *Greater Shepparton Heritage Study Stage IIC 2017*.
- {3} The Amendment seeks to implement the recommendations of the *Draft Greater Shepparton Heritage Study Stage II 2019*. This document consolidates the recommendations of previous heritage studies (these being the *Greater Shepparton Heritage Study Stage II 2007*, the *Greater Shepparton Heritage Study Stage IIB 2013* and the *Greater Shepparton Heritage Study Stage IIC 2017*) into one reference document (the Draft Study).
- {4} The Amendment is also intended to ensure all places identified in the Draft Study are included in the Heritage Overlay with appropriate heritage controls within the Schedule to Clause 43.01 *Schedule to Clause 43.01 Heritage Overlay* of the Planning Scheme.
- {5} Amendments C204 and C216 to the Planning Scheme included all 178 places identified in the *Greater Shepparton Heritage Study Stage IIC 2017* in the Heritage Overlay on an interim basis. Amendment C205 seeks to apply these heritage controls on a permanent basis.
- {6} The Amendment also seeks to ensure that all controls in the Schedule to Clause 43.01 *Schedule to Clause 43.01 Heritage Overlay* are applied consistently and correctly to all places of cultural heritage significance. Planning permit exemptions have also been revised and expanded upon for places where the *Greater Shepparton Heritage Incorporated Plan* is to be applied.
- {7} The Amendment is also required to implement a recommendation of the Planning Panel Report for Amendment C110 to the Planning Scheme, dated 26 April 2013, which recommended that a new incorporated plan be prepared to include all of the statements of significance for places in the Heritage Overlay to strengthen the level of protection afforded to these places.
- {8} The Amendment further seeks to apply an individual Heritage Overlay to places that are also of individual significance in heritage precincts.

- {9] The Amendment also seeks to ensure consistency with reforms to the Heritage Overlay implemented through Amendment VC148 on 31 July 2018.

## **2.0 INSTRUCTIONS**

{10] This statement of evidence was prepared in accordance with the following instructions issued by the City of Greater Shepparton:

- to provide an explanation of the methodology, key findings and recommendations of the *Greater Shepparton Heritage Study Stage IIC 2017* and the *Draft Greater Shepparton Heritage Study II 2019*, which provides the strategic basis for Amendment C205;
- to provide an explanation for the inclusion of the properties at 36 Welsford Street, Shepparton (HO427), and 18 and 20 Thomson Street, Tatura (HO430 and HO431 respectively);
- to provide an explanation for the removal of HO406 from (63, 65 and 67 Rea Street, Shepparton) and the application of HO140 (Shepparton Residential Precinct North) to this place;
- to provide a response to the application of the heritage controls to 178 'Individually' significant places and 5 precincts in Dookie and Murchison;
- to provide further justification for the 'double listing' of places of both 'Individual' and 'Contributory' heritage significance in precincts;
- to provide a response to any changes proposed to the Schedule to the Heritage Overlay at Clause 43.01 of the Planning Scheme;
- to provide justification for the changes to the *Greater Shepparton Heritage Incorporated Plan*, and the inclusion of the *Kialla Village Settlement Incorporated Document* and the *Statements of Significance Incorporated Document* in the Planning Scheme;
- to provide a response to the changes proposed to the Municipal Strategic Statement (MSS); Local Planning Policy Framework and the introduction of the Incorporated Plan;
- to provide a response to any mapping changes;
- to provide a response to the submissions received during the exhibition period associated with Amendment C205; AND
- to provide a response to any post-exhibition changes proposed to the Draft Study or the amendment documentation.

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### **Preparation of this report**

- {11} This statement has been prepared by Deborah Kemp, (Heritage Concepts Pty Ltd). The views expressed in this statement are my own.

### **Qualifications and experience**

- {12} My qualifications and experience are set-out in Appendix A of this statement.
- {13} My areas of expertise are in the assessment of places of historical cultural heritage significance and the administration of legislation to regulate and manage historic heritage places and objects, providing advice and preparing documentation to support conservation of, and modification to, heritage places.
- {14} I am an expert in the assessment of cultural heritage significance with reference to current heritage assessment criteria established by the Heritage Council of Victoria and *Planning Practice Note 1: Applying the Heritage Overlay* (January 2018) and within the context of *Victoria's Framework of Historical Themes* (February 2009).
- {15} I have particular expertise with regard to the historic themes as identified in the *Greater Shepparton Thematic Environmental History*. I have an understanding of the historic development and heritage of the City of Greater Shepparton through the preparation of the *Greater Shepparton Heritage Study Stage IIB 2013* and through my work as a Heritage Advisor to Greater Shepparton City Council.
- {16} In preparing this statement, I have relied upon:
1. *Draft Greater Shepparton Heritage Study Stage II 2019*
  2. *Greater Shepparton Thematic Environmental History 2004*
  3. *Panel Report for Amendment C110 to the Planning Scheme*
  4. *Amendments C204, C205 and C216 to the Planning Scheme*
  5. *Council's Part A Submission for Amendment C205 to the Planning Scheme*
  6. *Greater Shepparton Heritage Strategy 2019*
  7. *Greater Shepparton Planning Scheme*
  8. *Review of Heritage Provisions in Planning Schemes, Advisory Committee Report, August 2007*
  9. *Planning Practice Note 1: Applying the Heritage Overlay*
  10. *Planning Panels Victoria: Guide to Expert Evidence*

## 2.1 What the Amendment does

{17] Specifically, the Amendment makes the following changes to the Planning Scheme as outlined in the exhibited Explanatory Report for Amendment C205:

1. amends Planning Scheme Map Nos. 2HO, 3HO, 4HO, 5HO, 6HO, 7HO, 8HO, 9HO, 11HO, 17HO, 18HO, 20HO, 21HO, 22HO, 23HO, 25HO 29HO, 32HO and 34HO to correctly identify places of cultural heritage significance and to apply the Heritage Overlay to places identified as being both 'Contributory' and 'Individually Significant' within heritage precincts;
2. amends Clause 21.05 *Environment* to remove the seven existing statements of significance for the heritage precincts, revise the demolition policy and update the strategic work program;
3. amends Clause 21.09 *Reference Documents* to consolidate all previous heritage studies into one reference document titled *Draft Greater Shepparton Heritage Study Stage II 2019*;
4. amends the Schedule to Clause 43.01 *Schedule to Clause 43.01 Heritage Overlay* to apply heritage controls applied on an interim basis through Amendment C204 permanent;
5. amends the Schedule to Clause 43.01 *Schedule to Clause 43.01 Heritage Overlay* to implement the outstanding recommendations of the *Draft Greater Shepparton Heritage Study Stage II 2019* by revising the controls and the application of incorporated plans for places in the Heritage Overlay; and
6. amends the Schedule to Clause 72.04 *Schedule to the Documents Incorporated in this Planning Scheme* to include the revised *Greater Shepparton Heritage Incorporated Plan April 2019* (GSHIP), the *Greater Shepparton Statements of Significance for Places in the Heritage Overlay April 2019* and the *Kialla Village Settlement Incorporated Plan April 2019* in the Planning Scheme.

### **3.0 SHEPPARTON HERITAGE STUDIES AND REVIEWS**

{18} There have been four heritage studies undertaken by the City of Greater Shepparton.

#### **3.1 Greater Shepparton Heritage Study Stage I (2001/2002)**

{19} The first study (City of Greater Shepparton Heritage Study Stage I) was undertaken during 2001/2002 and 133 places of cultural heritage significance were identified. A draft Environmental and Thematic History guided the identification of the places. This study remained in a draft form.

#### **3.2 Greater Shepparton Heritage Study Stage II 2004 (HSII)**

{20} In 2004 Council engaged Allom Lovell and Associates Pty Ltd to review the previously identified places as identified in HSI. The final draft of the *Greater Shepparton Heritage Study Stage II* (HSII) recommended that an additional 136 places (including two residential precincts HO140 and HO141) be included in the Heritage Overlay. This review of places also included a review of the *Thematic and Environmental History*.

{21} As part of the review undertaken by Allom Lovell, an independent assessment of six other places was undertaken. This assessment was completed by the author of this statement (Deborah Kemp). The places that were assessed included five log structures: HO143 – Delaney’s Hut, HO146 – log structure, HO142 – log structures, HO144 – Snelling’s Property, HO145 – log structure and HO147 – scotch kiln. These six places were incorporated as Volume Six of HSII (2004).

{22} This study was adopted at the Ordinary Council Meeting (OCM) held on 4 May 2004. HSII was implemented through Amendment C49 – interim controls gazetted on 23 December 2004 – and Amendment C50 – permanent controls gazetted on 27 September 2007.

#### **3.3 Greater Shepparton Heritage Study Stage IIB 2009-2010 (HSIIB)**

{23} The HSIIB was prepared by Deborah Kemp (Heritage Concepts Pty Ltd), and its purpose was to identify gaps in the previous heritage studies and to review the list of places recommended for further assessment in HSII.

{24} HSIIB was adopted at the OCM held on 21 September 2010 and was implemented through Amendment C110, which was approved and gazetted by the Minister for Planning on 23 October 2013.

### 3.4 Greater Shepparton Heritage Study Stage IIC 2017 (HSIIC)

- {25} The purpose of this study was to identify post-contact places in rural areas, with a particular focus on homesteads and farm outbuildings, and places of shared cultural values were also identified. Places of shared cultural values were considered to be of importance to this area, as there is a significant population of Aboriginal People and their post-contact history is of importance to the region, the state and the nation.
- {26} A number of places in Shepparton and Mooroopna were assessed, and identified based on the recommendations of previous works. There was also a list of recommended places that had been identified by Council officers and the Heritage Advisor. Members of the Greater Shepparton Heritage Advisory Committee (HAC) prepared a list of places based on their specialist knowledge of Greater Shepparton. The majority of places in *Greater Shepparton Heritage Study Stage IIC 2017 (HSIIC)* were identified by members of the HAC.
- {27} HSIIC identified 180 places across Greater Shepparton to be of individual cultural heritage significance and recommended that the Heritage Overlay apply to 178 properties as part of a future planning scheme amendment. The identification of places occurred between 2016 and 2017. One additional place in Shepparton and two in Tatura were also identified – these were nominated by the HAC or Council officers.
- {28} At the OCM held on 20 December 2017, Council resolved to adopt HSIIC, and to prepare and exhibit a planning scheme amendment to include the findings and recommendations into the Planning Scheme.
- {29} Appendix B outlines places where a site visit was not supported by the land owners or the land owner did not engage with Council. This list includes hyperlinks to available information online.

### 3.5 Additional Strategic Heritage Work

- {30} Council commissioned the following additional strategic heritage work to inform Amendment C205. The following is an extract from Council's Part A Submission that summarises this work:
1. Preparation of statements of significance:
    - Prepare statements of significance for four places (log structures) in the Heritage Overlay including 840 Kyabram-Cooma Road, Cooma (HO142), 50 Merrigum-Ardmona Road, Merrigum (HO144), 745 Dunbar Road, Merrigum (HO145) and 1040 Tatura Undera Road, Mooroopna North West (HO143).

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2. Update the following statements of significance to reflect the significance of these places to align with current guidelines from Heritage Victoria:
  - HO40 (Mooroopna Hospital, 2-6 McLennan Street, Mooroopna);
  - HO57 (Camp 13, Murchison);
  - HO83 and HO85 (St Brendan's School, 130-160 Knight Street, Shepparton);
  - HO88 (Wesley Uniting Church, Hall & Manse 160 Maude Street, Shepparton);
  - HO89 (Former Wesley Church 162 Maude Street, Shepparton);
  - HO90 (Ambermere 78-84 Orr Street, Shepparton);
  - HO140 (Shepparton Residential Precinct North) and to include 65 Rea Street, Shepparton as a 'Contributory' place within the Precinct;
  - HO141 (Shepparton Residential Precinct South);
  - HO435 (15 and 21 Watson Street, Murchison). These places were considered to form a group and were no longer part of the Murchison Township Precinct (HO336).
  - HO437 (St Andrew's Presbyterian Complex, 241 Hogan Street, Tatura). This place was amended to include the manse as being of significance.
  - HO14 (Dookie Agricultural College, 940 Dookie-Nalinga Road, Dookie). This information was largely based upon work undertaken since 2013 through the heritage advisory service. The Amendment provided the opportunity to update these citation reports to include additional information and update the statement of significance
3. Double Listing in Precincts:
  - Prepare place citation reports for 'Contributory' places in precincts that are 'Individually Significant'. Place citation reports for these places are available in HERMES. These reports will need to be revised and updated to ensure they reflect the significance of these places and are in accordance with current guidelines from Heritage Victoria. These places include the addresses listed in Table 2 in section 5.3 of this Part A submission.
4. Review all controls in the proposed Schedule to Clause 43.01 Schedule to the Heritage Overlay to ensure that controls are applied consistently across places of similar thresholds of local significance.
5. Prepare a place citation report for 36 Welsford Street, Shepparton (house), 18 Thomson Street, Tatura (house) and 20 Thomson Street, Tatura (house).
6. Review the amended Greater Shepparton Heritage Incorporated Plan (GSHIP). The GSHIP will be revised to remove the statements of significance for the precincts. Council will prepare the draft document.
7. Prepare seven (7) Incorporated Documents for 'Individually Significant' places to ensure the planning controls are tailored to these places. These are:
  - HO252 (Camp 2 Prisoner of War Camp, 1252 Baulch Road, Dhurringile);

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- HO267 (Kialla Village Settlement, 230, 242, 244, 250, 253, & 254 Riverview Drive, Kialla);
  - HO321 (Ardmona Cannery, 16 Young Street & 6 Doonan Street, Mooroopna);
  - HO343 (275 Cosgrove-Lemnos Road, Pine Lodge (Lamrock's)); and
  - HO256 (Dookie Quarry, 38-48 Baldock Street, Dookie).
8. Review and suggest policy changes to Clause 21.05 Environment of the Planning Scheme. Council officers will prepare a draft of this document.

{31} The Amendment proposes to also incorporate this work into the Planning Scheme.

### 3.5.1 Double Listing of Places

{32} The double listing of places of 'Individual significance' and 'Contributory significance' was an issue that was raised during Amendment C110. The double listing of a place supports more tailored controls for those places identified as having cultural values in addition to their contributory values. Double listing provides the protection of those additional values. This approach is supported in the *Planning Practice Note 1 – Applying the Heritage Overlay* (2018). Where it states that '*the only instance where an individual property within a significant area should be scheduled and mapped is where it is proposed that a different requirement should apply.*' The Draft Study recommends that the places listed below be double listed to provide better protection of the additional cultural values.

{33} These additional values have been identified in the Place Citation Report (HERMES). The citation recommends that the place is also listed as being of 'Individual' cultural heritage significance and as such the application of an additional Heritage Overlay is warranted.

Places of 'individual' significance and 'contributory' significance in Heritage Precincts (Source: Council's Part A Submission)

Existing HO	Precinct	Former/Proposed HO	Heritage Place
HO261	Dookie Township Precinct, Dookie	HO16	64 Mary Street, Dookie (Former Dookie and Katamatite Recorder Office and Former Post Office and the former butchers shop)
HO261	Dookie Township Precinct, Dookie	HO17	44 Mary Street, Dookie (Gladstone Hotel)
HO261	Dookie Township Precinct, Dookie	HO257	7 Baldock Street, Dookie (Silo)

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HO261	Dookie Township Precinct, Dookie	HO258	67-71 & part of 89 Mary Street, Dookie
HO261	Dookie Township Precinct, Dookie	HO407	89 Mary Street, Dookie
HO261	Dookie Township Precinct, Dookie	HO408	89A Mary Street, Dookie
HO261	Dookie Township Precinct, Dookie	HO409	27 Turnley Street, Dookie
HO336	Murchison Central Township Residential	HO413	8 River Road, Murchison (House)
HO336	Murchison Central Township Residential	HO414	1 Rushworth Road, Murchison (Kestell)
HO336	Murchison Central Township Residential	HO436	Intersection of McKenzie Street and Watson Streets, Roderick Square, Murchison (Roderick Square Reserve)
HO336	Murchison Central Township Residential	HO415	5 Stevenson Street, Murchison (Ravenscraig)
HO336	Murchison Central Township Residential	HO416	7 Stevenson Street, Murchison (Former Commercial Bank)
HO336	Murchison Central Township Residential	HO435	15 & 21 Watson Street, Murchison (Watson Street Group)
HO141	Shepparton Residential Precinct South, Shepparton	HO90	<i>Ambermere</i> , 78-88 Orr Street, Shepparton
HO141	Shepparton Residential Precinct South, Shepparton	HO185	80-82 Corio Street, Shepparton
HO141	Shepparton Residential Precinct South, Shepparton	HO418	72-74 Corio Street, Shepparton (House)
HO141	Shepparton Residential	HO419	84 Corio Street, Shepparton (House)

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	Precinct South, Shepparton		
HO141	Shepparton Residential Precinct South, Shepparton	HO420	33 McKinney Street and 85-87 Corio Street, Shepparton (House)
HO141	Shepparton Residential Precinct South, Shepparton	HO421	93-95 Corio Street, Shepparton (House)
HO141	Shepparton Residential Precinct South, Shepparton	HO432	90 Corio Street, Shepparton (House)
HO141	Shepparton Residential Precinct South, Shepparton	HO433	94 Corio Street, Shepparton (House)
HO156	Tatura Township Precinct, Tatura	HO107	Irrigation & War Camps Museum, 49 Hogan Street, Tatura
HO156	Tatura Township Precinct, Tatura	HO108	Commercial Hotel, 42-50 Hogan Street, Tatura
HO156	Tatura Township Precinct, Tatura	HO109	Sacred Heart Roman Catholic Church, Hogan Street, Tatura
HO156	Tatura Township Precinct, Tatura	HO110	St Mary's College & Sacred Heart Convent, 70-82 Hogan Street, Tatura
HO156	Tatura Township Precinct, Tatura	HO111	Mechanic's Institute, 77-79 Hogan Street, Tatura
HO156	Tatura Township Precinct, Tatura	HO112	Victory Hall, Hogan Street, Tatura
HO160	Central Business Area Precinct, Shepparton	HO76	Hotel Australia, 73-83 Fryers Street, Shepparton
HO160	Central Business Area Precinct, Shepparton	HO88	Wesley Uniting Church, Hall & Manse, 160 Maude Street, Shepparton

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HO160	Central Business Area Precinct, Shepparton	HO89	Former Wesley Church, 162 Maude Street, Shepparton
HO160	Central Business Area Precinct, Shepparton	HO97	Mechanic's Institute, 227 Wyndham Street, Shepparton
HO160	Central Business Area Precinct, Shepparton	HO98	Full House Saloon (Former Bank), 269-275 Wyndham Street, Shepparton
HO160	Central Business Area Precinct, Shepparton	HO130	Fairley's Building, Fryers Street (cnr. Maude Street), Shepparton
HO160	Central Business Area Precinct, Shepparton	HO131	Friar's Café (former Baptist Church) 125-127 Fryers Street, Shepparton
HO160	Central Business Area Precinct, Shepparton	HO136	Kilpatrick's Building, 279 - 283 Wyndham Street, Shepparton
HO160	Central Business Area Precinct, Shepparton	HO408	Office building, 219-225 Wyndham Street, Shepparton
HO160	Central Business Area Precinct, Shepparton	HO409	ANZ Bank, 261-267 Wyndham Street, Shepparton
HO160	Central Business Area Precinct, Shepparton	HO410	296 Wyndham Street, Shepparton
HO160	Central Business Area Precinct, Shepparton	HO411	Fairley Building, 13-23 Fraser Street and 200-210 Maude Street, Shepparton
HO160	Central Business Area Precinct, Shepparton	HO412	Wesleyan Religious Complex, 136-162 Maude Street, Shepparton
HO160	Central Business Area Precinct, Shepparton	HO422	219-225 Wyndham Street, Shepparton (Office Building)
HO160	Central Business Area Precinct, Shepparton	HO423	261-267 Wyndham Street, Shepparton

	Shepparton		(ANZ Bank)
HO160	Central Business Area Precinct, Shepparton	HO424	296 Wyndham Street, Shepparton (Shop)
HO160	Central Business Area Precinct, Shepparton	HO425	13-23 Fraser Street & 200-210 Maude Street, Shepparton (Fairley Buildings)
HO211	Tatura Residential Precinct West, Tatura	HO105	Cottages (Row), 2-10 Casey Street, Tatura

### 3.5.2 Revisions to the following Planning Controls

#### Application of Paint Controls

- {34} Paint controls are proposed for buildings of ‘Individual significance’ and ‘Contributory significance’ in heritage precincts that are of aesthetic cultural heritage significance.

#### Application of Internal Alteration Controls

- {35} Internal controls are proposed for buildings where it is considered that management of particular values, such as specific features and spatial layouts are important to the understanding of the cultural heritage significance of the place.

#### Application of Tree Controls

- {36} Tree Controls are proposed to protect all ‘mature trees’ where the treed setting contributes to the aesthetic cultural heritage significance of the place. These controls are specific and apply to any tree greater than 5 metres in height, or greater than 2 metres in circumference, measured at 1.4 metres above ground level. Any works that propose to remove, destroy or lop a mature tree will require a planning permit.

#### Application of Prohibited Uses

- {37} The prohibited use column in the schedule has been applied to a number of places. This has been done to assist with the continued use of the heritage place. A continued use of any place is the best measure for the continued maintenance and conservation of a heritage place.

## 4.0 GREATER SHEPPARTON HERITAGE STUDY STAGE IIC (2017)

### 4.1 Introduction

{38] HSIIC developed in response to identified gaps in the previous heritage studies. During the preparation of the *Greater Shepparton Heritage Strategy 2019*, the HAC recognised that areas such as Arcadia, Caniambo, Cosgrove, Mooroopna, Katandra West, Tallygaroopna and Undera had not been sufficiently investigated. In addition, homesteads, farmhouses, outbuildings, fences, irrigation infrastructure, industrial sites, archaeological sites, settlements, moveable objects and places of shared Aboriginal cultural heritage significance were under represented in any of the heritage studies.

{39] It was recognised that to employ suitably qualified consultants to complete a heritage study would require considerable financial commitment from Council. The HAC undertook to provide support for this project. The work that was undertaken by the HAC is what is traditionally recognised as Stage I in the preparation of a heritage study. Using the *Thematic Environmental History* and their extensive local knowledge, members of the HAC provided Council with a list of places. These places required further investigation and assessment, and this was undertaken by Deborah Kemp with assistance from the local historian Anne Tyson. Ms Tyson did most of the preparatory research on the places.

{40] The survey area is large, being a total of 242,136 square kilometres, and it is diverse both geographically and in terms of settlement patterns. In excess of 200 places were identified and 182 places including 5 precincts were brought forward to form the *Draft Greater Shepparton Heritage Study Stage IIC*.

### 4.2 The Selection Process

{41] The *Greater Shepparton Thematic Environmental History (2004)* provided the historic framework for the selection of places.

{42] Other criteria used in the selection of places included:

- ensuring that there are representative examples from each theme/period;
- ensuring that there was an appropriate representative regional spread of places;
- the identification of any rare or outstanding places;
- the identification of places that are, or soon will be, subject to developmental pressures;
- ensuring that all places met the thresholds for local significance – as individually significant places or as a precinct; and

- all places where appropriate were subject to a comparative analysis – unless they were unique or rare.

{43} The selected places provide a broad representation of places from each theme and/or period and region. There are a number of rare places and places that are important to Victoria. All Individual places selected satisfied at least one of the HERCON criteria and were considered to satisfy the threshold of cultural heritage significance.

{44} The range of building types are of note, as is the extent of homesteads, many of which are not visible from the public domain. This meant that local knowledge was particularly valuable.

{45} Some of the places that have been identified were once common, but through age, are disappearing from the landscape. This is particularly relevant for the solid log structures. Their survival is important, as they provide evidence of the earliest settlement policies in Victoria. Of note is the Grove place, as the log structure is still being used as a home. It has been continually in use since the 1870s (HO386).



*Grove's solid log house*



*Interior*

{46} Other places that also demonstrate the impact of government settlement policies are the 'tin' houses. These places were largely prefabricated but designed to look like an 'English cottage', perhaps to remind the targeted British settlers of home.



*The Tin House for which the settlers paid 40 pounds. This one owned by Mrs Robinson was named "Loughboro", Tallygaroopna.*



*One of two known examples of a prefabricated Closer Settlement House in the region and potentially Victoria at 390 Zeerust Road, Zeerust (HO403).*

- {47} Other places from rural areas have more typical historic and aesthetic values. These include – late Victorian homesteads, early 20<sup>th</sup> century homesteads and post-war homesteads. All of these homesteads are representative of a significant historic theme as identified in the *Thematic Environmental History 2004*.
- {48} Industrial places such as the Ardmona factory, cool stores and dairy/butter factories contribute to an understanding of the particular historic character of the region. A number of irrigation sites have been identified (flumes, pumping stations, etc.) but it is the character of settlement that developed as a consequence of the irrigation policies that provides the most cogent physical evidence of the impact of irrigation.
- {49} Post-war development has had a distinct impact on the region. One of the places that demonstrate the changes of post-war growth is Dookie. The changes are of a

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modest scale and type but they clearly demonstrate the impact that post war prosperity had on the region. Dookie was established in the late 19<sup>th</sup> century with the construction of the railway. There are a number of good representative examples from this period that are already included in the Schedule to the Heritage Overlay. The juxtaposition of the proposed post-war places - silos (HO255), shop refurbishments (HO261), the maternal childcare centre (HO261), the Bowling Club (HO26), and a church and hall (HO261) - demonstrates the increased prosperity of the area, post-war. This was fostered by changing agricultural technologies such as new varieties of wheat and an increase of broad acre farming practices, many of which were developed at nearby Dookie College.

- {50} Post-war migration is a historic theme that is of particular importance and there are a number of places included in Clause 43.01 Schedule to the Heritage Overlay. Two places are of particular note as they demonstrate a number of broader themes associated with the post-war period. These are the two Dutch houses: (HO290 13 Pearce Street, Merrigum and HO365 30 Wyndham Street, Shepparton).



13 Pearce Street, Merrigum



30 Wyndham Street, Shepparton

- {51} Both houses were brought from the Netherlands by the owners. Post-war building rationing encouraged this practice. Of note is the survival of the packing cases, used to transport 13 Pearce Street to Merrigum. The design of both share some characteristics, including the provision of a central recessed porch.

- {52} Of equal importance is the number of places with a shared cultural heritage. Aboriginal cultural heritage is generally covered by the *Aboriginal Heritage Act 2016*. However, a number of places have been identified that demonstrate historical and social themes. These provide evidence of changing attitudes and social practices. The identification of these places was assisted by Uncle Sandy Atkinson, a Bangerang elder. He grew-up at Cumeragunja and, as an eight year old, participated in the walk-off. He knew the Mooroopna Flats and was one of the early residents in the mid-20<sup>th</sup> century concrete houses at Rumbulara. One of these houses is now a museum at the Rumbulara Centre (HO315). Uncle Sandy went on to establish the

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Bangerang Cultural Centre (the Shepparton Keeping Place) as a place to provide shared knowledge of Aboriginal cultural practices (VHR H1092).

## 5.0 ASSESSMENT OF CULTURAL HERITAGE SIGNIFICANCE

{53] The assessment of the cultural heritage significance of each place was undertaken with regard to:

- relevant Independent Panel reports;
- *Review of Heritage Provisions in Planning Schemes*, Advisory Committee Report, August 2007;
- the *Australia ICOMOS Charter for Places of Cultural Heritage Significance; The Burra Charter*, 2013 (Burra Charter) and its guidelines; and
- the '*Planning Practice Note 1: Applying the Heritage Overlay*' (2015); and Consideration was also given to Heritage Victoria's '*Model Consultants' Brief for Heritage Studies*' (2010).

### 5.1 Thresholds of cultural heritage significance

{54] The following definition of a threshold as defined by the Advisory Committee Report [2007] provided guidance for the determination of a 'threshold'.

{55] We are of the view that thresholds have the greatest potential to vary from place to place as they will respond to the particular history and cultural fabric of the area under study...

{56] Essentially a 'threshold' is the level of cultural significance that a place must have before it can be recommended for inclusion in the planning scheme. The question to be answered is 'Is the place of sufficient import that its cultural values should be recognised in the planning scheme and taken into account in decision-making?' Thresholds are necessary to enable a smaller group of places with special architectural values, for example, to be selected out for listing from a group of perhaps hundreds of places with similar architectural values...

{57] Factors determining thresholds ... will include such things as intactness, age, rarity, and design or aesthetic quality.

{58] We are of the view that thresholds have the greatest potential to vary from place to place as they will respond to the particular history and cultural fabric of the area under study. As we have commented, we see the development of thresholds as something which responds to the particular characteristics of the area under investigation and its heritage resources. Nevertheless the types of factors that might be deployed to establish local thresholds can be specified State-wide. They would include rarity in the local context, condition/degree of intactness, age, design quality/aesthetic value, their importance to the development sequence documented

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in the thematic environmental history. P 2-41 Review Of Heritage Provisions In Planning Schemes, Advisory Committee Report, August 2007

- {59] The selected heritage items were assessed as having significance to Greater Shepparton. Of note are the numbers of places that have a specific resonance for this region. This is in part because of the extensive local knowledge that has provided the information, and because many of the rural places have developed in response to the particular geography and resources in this region.
- {60] Many of the places have been identified as being representative of historic and aesthetic regional characteristics or they demonstrated an individual or rare characteristic. It was considered that the extent of representative places was critical to understanding the history of the development of rural industries. That is, where pertinent similar places have been identified to provide an understanding of the former pattern of settlement. This has informed the comparative analysis.

## 5.2 HERCON criteria

- {61] The HERCON criteria assisted in the definition of a threshold. A place has to satisfy at least one of the HERCON criteria. If it meets more than one criterion that does not make it of a higher significance but that signifies it is a place that can demonstrate a number of values. Most of the places demonstrated at least two HERCON criteria.
- {62] The following is an expansion of the HERCON criteria that was followed during the completion of HSIIC. The expansion is provided in italics.

HERCON model criteria

### **A Importance to the course or pattern of our cultural or natural history.**

*The place is associated with, or can demonstrate one of the identified historic themes in the thematic environmental history. This value should be clearly demonstrated by the fabric of the place.*

### **B Possession of uncommon rare or endangers aspects of our cultural or natural history.**

*The place may be rare within the municipality, township or the immediate locality. The value that is rare could be historic, social, aesthetic, technical and /or spiritual.*

### **C Potential to yield information that will contribute to an understanding of our cultural or natural history.**

*The place has a potential value to demonstrate one of the identified historic themes in the thematic environmental history.*

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**D Importance in demonstrating the principal characteristics of a class of cultural or natural places or environments.**

*The place will demonstrate a typical range of features normally associated with its values. In general the place that is identified as demonstrating ‘the principal’ characteristics will have a degree of integrity and be relatively intact. An architectural example would display the more generic features associated with a style and not illustrate any ground breaking or idiosyncratic design features.*

**E Importance in exhibiting particular aesthetic characteristics.**

*The place exhibits a fine example of architectural period for the region, is a particularly well executed architecture, has distinctive aesthetic characteristics for the region.*

**F Importance in demonstrating a high degree of creative or technical achievement at a particular period.**

*The place is a fine example of a particular architectural style or represents significant technical or artistic/architectural innovation or achievement – when compared to other similar places within the municipality. It will generally have a high degree of integrity and be relatively intact.*

**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 the continuing and developing cultural traditions.**

*The place has strong social or historic associations for a community. This association needs to have retained its meaning and attachment for approximately 25 years (i.e. greater than one generation).*

**H Special association with the life or works of a person, or group of persons, of importance in our history.**

*The place has a strong social or historic association with an individual or organisation that is generally represented within the thematic environmental history and/or in other studies, reports, histories, etc.*

**5.3 Places not meeting the thresholds of significance**

{63] During the assessment process a place was assessed as not meeting the thresholds for local significance:

- if it did not have well established historic values and or associations;
- if the values (historic or aesthetic) were not well demonstrated within the fabric;
- if its integrity was been substantially compromised;

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- if it was not largely intact; and
- if it was not the most appropriate comparative example.

#### **5.4 What constitutes a precinct?**

{64} There are a number of definitions or practices that can be used as a basis for the designation of what makes a precinct.

{65} The following principles were adopted for the completion of HSIIC:

- a precinct will contain places that as a group demonstrate the values as set out in the statement of significance. These values can be represented by at least one of the HERCON criteria.
- a precinct will include a high proportion of buildings that contribute to the cultural heritage significance of the precinct. There is no absolute percentage for the number of contributory buildings but if the proportion of non-contributory buildings is too great, a sense of precinct is difficult to appreciate.
- a precinct can also contain an individual place that has its own innate significance that is separate to the precinct, or, it can have its own significance and at the same time contribute to the cultural heritage significance of the precinct.
- a precinct can contain contributory places, individual significant places and non-contributory places.

#### **5.5 Significant themes in a precinct**

{66} There are a number of significant historic themes that can be represented in a precinct. The five proposed precincts satisfied at least one of these themes:

- architectural styles/periods;
- historic themes;
- subdivision patterns and/or settlement patterns; and
- a setting – such as building and works, vegetation, landscape elements; and particular spatial elements, such as open spaces.

#### **5.6 Comparative analysis**

{67} Many of the rural places have been identified as being representative of historic and aesthetic regional characteristics. The importance of the extent of places and their geographical spread was critical to the identification process and their proposed inclusion in HSIIC. The extent (or number of places) was also considered to be important as it provided a context for the history of the settlement patterns and the development of rural industries. Each place was assessed as to whether it satisfied a

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threshold of significance and, for the purpose of comparative analysis, how best it demonstrated an historic theme as set out in the Thematic Environmental History.

{68] The group of places at 31 and 36 Welsford Street, and 7, 9 and 13 Edward Street were assessed as being the most appropriate places to demonstrate a type of development that occurred in Shepparton during the turn of the 20<sup>th</sup> century. This was an important period as the early southern residential growth was overtaken by a northward movement with the opening up the residential areas to the north.

{69] This proposed group of places in the inner north residential development is not well represented. These places were identified as being significant for their period of development, their architectural design and their proximity to each other. The sense of a group gives weight to an understanding of the cultural values.

{70] The other proposed places (those identified in Mooroopna, Tatura and Shepparton) have a specific architectural character or represent an historic theme that is under represented. They have been identified to reflect particular characteristics of the area. While many of these places might seem typical or representative of general architectural qualities and historic themes this has to be weighed up against the available heritage resources.

### **5.7 Other factors that can be considered when assessing significance – integrity and intactness**

{71] The following statement from the Advisory Committee Report guided the assessment of significance with regard to integrity and intactness.

{72] This issue relates to whether structural integrity (or condition) and intactness, of a building should be criteria in the assessment of significance. Submissions supported the notion that intactness (which is sometimes referred to as ‘integrity’) and condition (or structural integrity) should be considered differently.

{73] The Committee concludes that, while intactness can be relevant in an assessment of significance, condition or structural integrity should not influence the inclusion of a place in a Heritage Overlay. The Committee recognises, however, that structural integrity or condition may be a relevant consideration at the time a planning permit is sought (p xviii Review of Heritage Provisions in Planning Schemes, Advisory Committee Report, August 2007).

### **5.8 Heritage Citation**

{74] A heritage citation was prepared for all of the places that satisfied a threshold of cultural heritage significance.

{75] The citations generally included:

- A historic and thematic context;
- A physical description;
- A comparative analysis with other similar examples known in the area - where relevant; and
- A Statement of Significance that demonstrates what is significant (and what is not significant), how and why the place is important.

{76] The Statements of Significance for places proposed as part of the Amendment C205 have been prepared in accordance with the guidelines set out in *Planning Practice Note 1: Applying the Heritage Overlay (2015)*. The process is the same as recommended in the 2018 updated version.

{77] The statement of significance as adopted in HSIIC describes:

**‘What is significant?’** a brief description of the place and the features that contribute to the significance of the place.

**‘How is it significant?’** provides a list of cultural heritage values that are demonstrated by the place – historic, aesthetic/architectural, social, scientific/technical, spiritual, rarity.

**‘Why is it significant?’** describes the reasons why the place is significant.

{78] The places of ‘Individual’ and ‘Contributory’ heritage significance were assessed against the standard criteria contained in *Practice Note 01 Applying the Heritage Overlay* (August 2018) and are considered to meet the requirements of local protection through the Heritage Overlay.

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## **6.0 THE DRAFT GREATER SHEPPARTON HERITAGE STUDY STAGE II (2019)**

- {79] The *Draft Greater Shepparton Heritage Study Stage II 2019* was prepared and reviewed by Deborah Kemp (Heritage Concepts Pty Ltd) with assistance from Council officers.
- {80] All of the heritage studies and the further strategic work were combined to create a new document: *the Draft Greater Shepparton Heritage Study Stage II 2019*.
- {81] As part of the preparation for the creation of this new document a number of places citation reports were reviewed. Much of this work was also the subject of other strategic and statutory reviews. Where appropriate this work was used to update the citations. The citations that have been updated are referred to in Section 3.53.
- {82] The compilation of all of the studies was undertaken in order to implement a recommendation of the Planning Panel Report for Amendment C110 to the Planning Scheme, dated 26 April 2013. The Panel Report recommended that a new incorporated plan be prepared to include all of the statements of significance for places in the Heritage Overlay to strengthen the level of protection afforded to these places.
- {83] The statements of significance have been extracted from this document and are included in the *Statements of Significance Incorporated Document*. The *Draft Greater Shepparton Heritage Study Stage II* is proposed to be a reference document in the Planning Scheme.

### **6.1 Community consultation**

- {84] Please refer to Council's Part A Submission.

## **7.0 RESPONSE TO SUBMISSIONS TO AMENDMENT C205**

- {85} During the public notification of Amendment C205, a total of 42 submissions were received.
- {86} The submission numbers correlate with the numbers assigned to the submissions by Council.
- {87} The submissions that relate to the application of the Heritage Overlay to the area known as the former Kialla Village Settlement (HO276) are addressed together at page 134.

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**Submission 1**

**Planning Scheme Amendment C205**

**Response to Submission**

{88} The respondent provides consent to the Amendment 205.

{89} There are no objections to Amendment C205.

**Conclusions and Recommendations**

{90} No changes to the Amendment are required in response to this submission.

{91} No change to the Schedule to the Heritage Overlay is required in response to this submission.

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**Submission 2**

**H240 Maneroo Homestead, 150 Maneroo Road BUNBARTHA**



Maneroo Homestead, 150 Bunbartha Road, BUNBARTHA

**Description**

- {92} Maneroo Homestead is a large homestead constructed c1912 and designed by Oakden and Ballantyne, prominent Melbourne architects. It is an early example of the bungalow style. It is characterised by relatively low pitched gables with a deeply recessed porch to the front entrance. The side elevations have deep set verandahs with sturdy squared masonry columns. The simple timber fretwork contributes to the simple elegance of this homestead.
- {93} The entrance is marked by a double gable with the front most gable having a distinctive asymmetric line. This is reminiscent of similar rooflines as designed by C F A Voysey, the noted British Arts and Crafts architect. The gable fronts have timber strapping to the gables and a rectangular vent to the main gable. The entrance door is setback into the wall. The doorway consists of a large timber and glazed door and this is flanked by decorative leadlight panels (side lights and high lights). The glazing includes textured glass, bulls eye glass and coloured glass. The rounded corners to the doorways are highlighted through the use of dark glazed bricks.
- {94} The front facade has been altered with the introduction of a large plate glass window. This replaced original leadlight windows. These windows were broken by a football and instead of reinstating the original windows the owners (Cornish family) chose to introduce larger windows for additional light.

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- {95} The walls have a rendered finish and the windows have dark brown brick quoins. The roof is clad with short sheets of corrugated metal (painted). The chimneys are rectangular with simple decorative features such as low relief banding.
- {96} The house originally had an air gas lighting system, and from descriptions provided by the owners it was potentially an acetylene based system such as the Gloria or Wizard lighting model.
- {97} All of the principle rooms were serviced by a bell system.
- {98} The garden and surrounds have a number of large trees that date from the period of construction and these landscape features contribute to the aesthetic significance of the place. In 1914 an account was published in the *Leader* (16 May) where the property was described as having well fenced paddocks, pasture land and lucerne patches, with here and there clumps of Murray pine, surround a homestead set in a break of red gums that fringe a lagoon lying back from the Goulburn River.

## **Statement of Significance**

### **What is Significant?**

*Maneroo homestead at 150 Maneroo Road, Bunbartha.*

*The large landscaped gardens include a number of early trees and plantings. This garden setting contributes to the significance of the place.*

### **How is it Significant?**

*Maneroo homestead is of local historic and aesthetic cultural heritage significance to the City of Greater Shepparton.*

### **Why is it Significant?**

*Maneroo Homestead is of aesthetic significance for its fine and early Bungalow inspired architecture. The homestead was designed by the Melbourne architects Oakden and Ballantyne. The detailing of the architecture demonstrates a sophistication that is unusual for the region. This includes the Voyseyesque gable front, high quality glazing, brickwork and timber detailing.*

*The elevated site for the homestead, combined with the large number of mature trees and the established garden features, contributes to its aesthetic significance.*  
*HERCON criterion E*

*Maneroo homestead is of historic significance for its association with the early 20th century agricultural development of Shepparton, and in particular the Bunbartha region. Of note is the redesign of the farmland and waterways in order to develop*

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*particular irrigation technologies such as Nunan's patent spray irrigation overhead watering system.*

*It is of historic significance for its association with William Orr, a member of the Victorian Legislative Assembly.*

*It is of historic significance for its later association with Dr Ramsay Mailer, who apart from being a noted medical specialist contributed, as a Melbourne Cricket Club committee member and president, to the redevelopment of the MCG and its establishment as one of the finest cricket arenas in the world. His farming enterprises at Maneroo included the breeding of Jersey cattle and Southdown and Ryland sheep. HERCON criterion A*

### **Submission**

- {99] The respondent has made a submission supplying Council with further historical information. This information provided supporting evidence for the date of construction and other data for the history of the place.

### **Response to Submission**

- {100] The information was verified and the citation was updated. The primary changes are to the Description field, History field and changes to the Statement of Significance.

### **Conclusions and Recommendations**

- {101] The citation has been altered to reflect these changes. This is a Post Exhibition change.
- {102] No change to the Schedule to the Heritage Overlay is required in response to this submission.

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**Submission 3**

**HO186** 61 Maude Street, SHEPPARTON



61 Maude Street, Shepparton

**Description**

{103} 61 Maude Street Shepparton is an Interwar Bungalow that has retained a high degree of integrity. The architectural expression demonstrates many of the features associated with this period and style of architecture.

{104} This includes:

- the design of the roof with transverse gable front and deeply recessed porch with arched opening
- the window to the gable front has a tiled hood and distinctive timber framed windows and this includes the width of the timber mullions.
- The grouping of three windows is also typical.
- The tiled hood has exposed rafters which contribute to the rusticity of its aesthetics
- the exposed rafters are also found on the eave line of the main roof
- the windows to the porch area share similar details -ie a group of three windows with generous timber mullions
- the rendered finish has contrasting brick quoining and this adds to the textural qualities that are implicit to this design and era of construction

{105} The garden setting is also important part of the presentation of the whole place.

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## **Statement of Significance**

### **What is Significant?**

*61 Maude Street, Shepparton and this includes the garden setting. The low brick fence contributes to the significance of the place.*

### **How is it Significant?**

*It is of local historic, social and aesthetic significance to the City of Greater Shepparton.*

### **Why is it Significant?**

*It is of historic significance as it demonstrates the character of residential expansion to the north of the central business area during the 1920s. The economic prosperity which drove this expansion is linked to the increasing success and sustainability of irrigation, dairying and farming. [HERCON Criteria A & G]*

*It is of architectural significance as it is a good regional representative example of Interwar architecture and the bungalow style. The integrity of the place and this includes the house and garden setting contribute to the aesthetic significance. [HERCON Criterion D]*

*It is one of a number of houses that were constructed in this section of Maude Street during this period. This includes: 63 Maude St [HERMES #108135]; 76 Maude St [HERMES #108136]; 84 Maude St [HERMES #108137]; 88 Maude St [#108140]; 89 Maude St [#108141]; 85 Maude St [HERMES #108138]*

## **Submission**

- {106} The respondent requested that the citation for the property be reviewed to reflect that the original fence has been demolished. A new fence has been constructed and this is a contemporary brick and metal fence.

## **Response to Submission**

- {107} The information was verified and the citation was altered to reflect these changes.

## **Conclusions and Recommendations**

- {108} The citation has been altered to reflect these changes. This is a Post Exhibition change.
- {109} A change to the Schedule to the Heritage Overlay is required in response to this submission to remove outbuildings and fences controls for this place.

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**Submission 4**

**Planning Scheme Amendment C205**

**Response to Submission**

{110] The respondent provides consent to the Amendment. There are no objections to Amendment C205.

**Conclusions and Recommendations**

{111] No change to the Schedule to the Heritage Overlay is required in response to this submission.

## Submission 5

HO404 210 Zeerust School Road, ZEERUST



Former Gribben's Hut, 210 Zeerust School Road, ZEERUST  
Source of image – Submission to Amendment C205

### Description

- {112} The Gribben brothers' log building is typical of the type: the logs of the prevailing grey box (*E. microcarpa*) are notched at the corners to make the building self-supporting without uprights, and the interstices are chinked with a mud mixture, now lost to a large extent. Corrugated iron obviously replaced the original bark roof many decades ago. The roof demonstrates typical bush pole construction with saplings for the rafters and collar ties.
- {113} The gable ends have been filled in with weatherboards, most missing on one end. The tilt and prop window is typical for these rudimentary buildings. It is simply framed and propped open as required. This type of technology for window construction was common practice during the gold rushes. The windows could be removed easily and taken from one place to another. They were designed to be inserted within the timber framing without any further refinement.

### Statement of Significance

#### What is Significant?

*The former Gribben log building at 210 Zeerust School Road, Zeerust.*

#### How is it Significant?

*The former Gribben log building is of local historic, aesthetic and technical cultural heritage significance to the City of Greater Shepparton.*

#### Why is it Significant?

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*The former Gribben log building is of historic significance as it provides tangible physical evidence of the type of buildings that were constructed by selectors during the settlement period of the mid 19th century. These construction techniques were essentially a product of the requirements for successful selection. They were once commonplace but are increasingly becoming rarer as structures in which they are employed disappear from the landscape. HERCON criteria A & B*

*The log building is of aesthetic significance for its contribution to the cultural landscape of the Goulburn Valley. HERCON criterion E*

*The log building is of technical significance for its method of construction. The log buildings of northern Victoria are constructed in a similar manner and rely on a minimum of mechanical or manufactured materials for completion. They are a technical testimony to the innovative enterprise of the selector. HERCON criterion F*

### **Submission**

- {114] The respondent requests that the extent of the Heritage Overlay that applies to the land be reduced. The heritage site is the Gribben solid log structure and an appropriate curtilage.
- {115] Currently the Heritage Overlay applies to 3.8ha of land. The majority of this land is not significant and the proposed extent is beyond the intention of HO404 which is to preserve the log building.
- {116] The submitter has provided guidance for the revision through aerial mapping with dimensions from title boundaries.

### **Response to Submission**

- {117] There is general agreement that the extent is superfluous and that a reduction in the Heritage Overlay is supported.

### **Conclusions and Recommendations**

- {118] The changes are agreed to in principle. However, to fully reflect the existing conditions it is recommended that a site visit be undertaken to verify the conditions of the site.
- {119] No change to the Schedule to the Heritage Overlay is required in response to this submission.

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## Submission 6

HO290 13 Pearce Street, MERRIGUM



13 Pearce Street, MERRIGUM

### Description

{120] The Dutch house is a relatively small, square house clad with cement sheet, with a low pyramidal roof of corrugated metal. At the apex of the roof there is a square timber-louvred ventilator. The facade has a recessed porch with windows on either side of the recess. A shallow verandah has been added to the rear.

### Statement of Significance

#### What is Significant?

*The house at 13 Pearce Street Merrigum known as the Dutch House is significant. Its suburban setting contributes to its significance.*

#### How is it Significant?

*The Dutch House is of local historic, aesthetic and technical cultural heritage significance to the City of Greater Shepparton.*

#### Why is it Significant?

*The Dutch House is of historic significance as it is a locally rare example of an imported pre-fabricated migrant house. Building material rationing and housing shortages in post war Victoria (c1950s), compounded in this case by post-war restrictions on the export of currency from a war-ravaged European nation, meant that some migrants brought their house with them when they migrated.*

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*It is of historic significance as it demonstrates the demographic changes that were taking place in Merrigum (and the Goulburn Valley), as Dutch, Italian, Albanian, Greek and other migrants arrived seeking employment on the land or in processing factories. HERCON criteria A & B*

*It is of technical significance for its prefabrication techniques and the surviving building materials. HERCON Criterion F*

*It is of aesthetic significance for its restrained modernist architecture. This architectural expression was rare in the region during the post-war period. HERCON criteria E & B*

### **Submission**

{121] The respondent requests that the 13 Pearce Street, Merrigum is removed from Amendment C205.

{122] The reasons given are:

- the age and poor health of the owner;
- the house has been modified – the roof has been altered (cladding) and internal alterations have been made;
- windows have been replaced and doors removed; and
- the condition is poor and there are termites attacking the fabric.

### **Response to Submission**

i) Any owner's particular circumstances cannot be considered when determining the cultural heritage significance of the place.

### **Modifications**

ii) Most places identified in the study have undergone some modifications and or/ alterations. What is important when assessing any place is that there is sufficient significant fabric to provide tangible physical evidence of the identified values. In this instance it is considered that there is sufficient fabric and the original built form is appreciable. The architectural features associated with this style are evident and the integrity is high. Change to significant places can be supported as long as the changes do not diminish the values to such an extent that the cultural values are no longer extant. The modifications to this house have not diminished the aesthetic and/or the historic significance. The impact on the technical significance is unknown, but as the place needs to satisfy only one of the HERCON criteria the places still satisfies the threshold for local cultural heritage significance.

### **Condition**

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The condition of a building is not something that can be considered at this stage and can only be assessed during the consideration of a building or planning permit.

- {123} Council recognises that it can be difficult for owners to maintain their buildings. On this basis Council has supported an annual heritage grant program to assist owners in undertaking conservation works.

**Conclusions and Recommendations**

- {124} The property is of cultural heritage significance and should be included within a Heritage Overlay.
- {125} No change to the Schedule to the Heritage Overlay is required in response to this submission.

## Submission 7

HO287 102 Morrissey Street MERRIGUM



Former blacksmith shed at 102 Morrissey Street MERRIGUM

### Description

{126] A large, gabled shed of galvanised corrugated iron, with a skillion addition on the south-east, a wide opening on the north-west side and two doors of differing sizes on the street front. The gable is capped with a continuous ridge ventilator of corrugated iron, now in some disrepair.

{127] Remnant painted signage is just visible in the gable end, including the words 'MOTOR GARAGE'.

### What is Significant?

*The former Blacksmith and Motor Garage at 102 Morrissey Street, Merrigum.*

### How is it Significant?

*The former blacksmith's and garage is of local historic significance to the City of Greater Shepparton.*

### Why is it Significant?

*The former blacksmith's shop and garage is of historic significance as the only surviving building that was used as a blacksmith when horses were an important feature of commercial and social life in Merrigum. HERCON criterion A*

### Submission

- {128] The respondent objects to the proposed Amendment C205.
- {129] The former blacksmith's shed is not worthy of protection because:
- the nomination lacks rigor as the building is irrelevant;
  - the shed is clad with corrugated metal sheeting and it is in poor condition;
  - the structure is in poor condition; and
  - the exterior has been painted since it operated as a blacksmith's shed.

## **Response to Submission**

### **Cultural Significance**

- {130] The methodology for HSIIC was prepared with regard to relevant Independent Panel reports, the *Australia ICOMOS Charter for Places of Cultural Heritage Significance, The Burra Charter, 2013* (Burra Charter) and its guidelines, and the '*Planning Practice Note 1: Applying the Heritage Overlay*' (2015). Consideration was also given to Heritage Victoria's 'Model Consultants' Brief for Heritage Studies' (2010).
- {131] The following recommendations from the Advisory Committee Report also provide guidance for the assessment of cultural significance:
- {132] We are of the view that thresholds have the greatest potential to vary from place to place as they will respond to the particular history and cultural fabric of the area under study...
- {133] Essentially a 'threshold' is the level of cultural significance that a place must have before it can be recommended for inclusion in the planning scheme. The question to be answered is 'Is the place of sufficient import that its cultural values should be recognised in the planning scheme and taken into account in decision-making?' Thresholds are necessary to enable a smaller group of places with special architectural values, for example, to be selected out for listing from a group of perhaps hundreds of places with similar architectural values...
- {134] Factors determining thresholds ... will include such things as intactness, age, rarity, and design or aesthetic quality.
- {135] We are of the view that thresholds have the greatest potential to vary from place to place as they will respond to the particular history and cultural fabric of the area under study. As we have commented, we see the development of thresholds as something which responds to the particular characteristics of the area under investigation and its heritage resources. Nevertheless the types of factors that might be deployed to establish local thresholds can be specified State-wide. They would include rarity in the local context, condition/degree of intactness, age, design

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quality/aesthetic value, their importance to the development sequence documented in the thematic environmental history. P 2-41 Review Of Heritage Provisions In Planning Schemes, Advisory Committee Report, August 2007

{136] Utilitarian buildings such as this former blacksmith shed are often dismissed as not being worthy of consideration for a Heritage Overlay. However, the role of the blacksmith was once integral to the functioning of any township and it contributes to an understanding of the evolution of the settlement pattern of Merrigum.

{137] Its integrity is good and it appears to be relatively intact. On this basis it was assessed as satisfying the threshold for local significance.

{138] Council recognises that it can be difficult for owners to maintain their buildings. On this basis Council has supported an annual heritage grant program to assist owners in undertaking conservation works.

### **Condition**

{139] The condition of a building is not something that can be considered at this stage. It can only be assessed during the consideration of a building or planning permit.

{140] (Noting that rust on old iron is not always fatal to its structural integrity. It can be cleaned, treated and painted).

{141] The painting of the shed does not compromise its cultural values. The colour scheme is considered to be reflective of its adaptive re-use.

{142] Paint controls have been applied to guide any future colour schemes. The primary purpose of paint controls is to ensure that any future colour scheme is sympathetic to the cultural values. There are many different colour schemes that can be used in this context.

### **Conclusions and Recommendations**

{143] The property is of cultural heritage significance and should be included within a Heritage Overlay. A minor mapping change to remove the Heritage Overlay from the adjacent house is also recommended.

{144] No change to the Schedule to the Heritage Overlay is required in response to this submission.

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**Submission 8**

**HO142** 840 Kyabram-Cooma Road COOMA (log buildings)

**HO247** 840 Kyabram-Cooma Road COOMA (house)



Homestead at 840 Kyabram-Cooma Road COOMA

**Description HO247**

{145] A large Federation-era brick homestead with a galvanised metal roof. The style of this house is late Victorian with Federation overtones. The main hipped roof section has transverse gables with timber bracketed eaves and rectangular vents at the apex of each gable. The bull-nosed verandah runs across the two main facades and has a highly decorative cast iron frieze with cast iron brackets. The eave line to the hipped roof has timber paired brackets. The main body of the house has retained its face brickwork; the walling above the verandah and to the gable face has been painted. The brick chimneys have brick corbelling and rendered upper areas. This is a substantial building from the turn of the 20th century and the combination of Late Victorian and Federation era architectural elements contributes to its aesthetic significance.

**Description HO142**

{146] **NOTE:** the three descriptions have been provided, recognising that information provided in the respondents submission states that one has been demolished. Which particular structure has been removed is not known.

{147] Structure 1

{148] The structure is rectangular and has a gable roof. The logs are roughly uniform in diameter and their lengths are commensurate with the length of the walling. The

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dimensions of the structure are approximately 6m x 4.0 m. The log walling is approximately 2 m in height and has been chinked with a clay pug - although much of this has disappeared. The timber roof framing is rudimentary. The gable has been clad with sawn timber weatherboards and the roof is corrugated iron sheeting. The floor is earthen. There is no front facade and it appears to have been removed.

- {149] The workmanship is relatively crude and the joints have been roughly worked. The walling has been constructed using logs laid horizontally with notched ends (some have been notched on both faces for a tight corner intersection). There is some variation in the degree and uniformity of the actual notching. The logs appear to have been laid directly on the ground or partially embedded. The interstices between the logs have been packed with a clay pug mortar but much of this has disappeared. The timber appears to have been a type of Eucalyptus box tree (possibly Grey Box, *Eucalyptus microcarpa*).

#### Structure 2

- {150] Structure 2 appears to have been a dwelling and it would seem likely that it was constructed for this purpose. The structure is rectangular with a gable roof. The dimensions are approximately 6m x 4m and the height of the log walling is approximately 2m. The timber gable roof framing is primitive and it has been clad with corrugated iron. The gables at both ends have been clad with sawn timber weatherboards.
- {151] This structure has been divided into two rooms. Room 1 is entered directly from the front door. There is a window adjacent to the door and another window in the opposing wall. The floor has been paved with bricks. The internal walls are unfinished although is some evidence of white washing.
- {152] Room 2 is entered via a door from room 1. The walls are lined with flattened metal sheets. A timber floor has been constructed over an earlier floor. The types of internal finishes indicate that this room has been used as a storage room for feed. It is similar in intent to many chaff sheds - where the internal finishes are smooth and chaff or grain does not get trapped in crevices. This type of construction is also intended to be relatively rodent proof.
- {153] The workmanship is similar to the other extant structures. It is primitive and has roughly worked joints. The structure has been constructed using logs that are laid horizontally and some have been saddle notched (notched on one face) and others have been notched on both faces for a tighter intersection. The diameter of the logs is roughly uniform and the logs are all of a similar length - except for at the openings. The logs rest directly on the ground and they may have been partially embedded. The interstices between the logs have been packed with a clay pug mortar.

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{154] The type of timber appears to have been a eucalyptus box tree. The timber joinery for the window architraves and door jambs is rudimentary and sawn timber sections have been used. The roof framing is also basic in its interpretation and appears to have been altered over time. The gables have been clad with sawn boards with a square cut edge. The roofing is corrugated iron.

{155] The three structures located in a direct line and they are adjacent to a laneway. The laneway forms part of the drive into the property.

- Structure 1 - is reported to have been a kitchen. [Information provided by owners]
- Structure 2 - is reported to have been a dwelling. [Information provided by owners]
- Structure 3 - is reported to have been the stables. [Information provided by owners]

{156] The structures are in fair to good condition. Structure 1 is now a wood shed, structure 2 is unused and structure 3 is a chicken coop.

### **What is Significant?**

*The large Federation-era homestead and its surrounds and setting. This includes the architectural features associated with late Victorian and Federation architectural periods. The two selection-era log buildings (HERMES 156034) contribute to the significance of the place. The mud brick shed also contributes to the significance of the place.*

### **How is it Significant?**

*The homestead and outbuildings are of local cultural heritage significance to the City of Greater Shepparton.*

### **Why is it Significant?**

*The place is of historic significance for its association with the selection era and the increasing prosperity of Cooma and district during the early 20th century. HERCON criterion A*

*The homestead is of architectural significance for its distinctive Federation and late Victorian architecture. It is of aesthetic significance for its fine detailing. HERCON criterion E*

### **Submission Homestead**

{157] The respondents in their submission formally object to having a Heritage Overlay placed over their homestead. The respondent provided the following in support of their objection:

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- The place is not of aesthetic significance because it is not 'grand or notable, 'or of any particular type of architecture. The architecture is a mixture of Victorian and Federation era styling. There are other comparative places such as Brays on Springvale Road and Markes on Midland Highway.
- The place is not of historic significance. It was not built by anyone notable.
- The homestead has been altered and there is a large addition. There are few surviving original features.
- A Heritage Overlay will have a detrimental impact on the market value and saleability of the farm. This is because the controls that are proposed are unreasonable and will restrict its future development.
- The paint controls are not supported.
- The tree controls are not supported as they will interfere with their ability to farm.
- Apart from the two surviving solid log buildings there are no other outbuildings and/or fences that contribute to the cultural significance of the homestead. Of the three listed log buildings only two remain and are in poor condition. The earth building has been removed. The owners agree that the log cabins are significant.

## **Response to Submission**

### **Cultural significance**

{158] The methodology for HSIIC was prepared with regard to relevant Independent Panel reports, the *Australia ICOMOS Charter for Places of Cultural Heritage Significance, The Burra Charter, 2013* (Burra Charter) and its guidelines, and the '*Planning Practice Note 1: Applying the Heritage Overlay*' (2015). Consideration was also given to Heritage Victoria's 'Model Consultants' Brief for Heritage Studies' (2010).

{159] The homestead at 840 Kyabram-Cooma Road Cooma is representative of the period in general terms and it is a fine face brick building that shares characteristics with other buildings found in Shepparton municipality. This includes the asymmetry, the steeply pitched roof, the use of cast iron decorative features and other features from this period. However, as part of the brief for the HSIIC (and with regard to the historic themes found in the Thematic Environmental History) each area (district) was considered to have its own particular historical development. This meant that it was important to identify principal buildings from each area even if there were similar places in other districts. This is supported in principle by the following recommendations from the Advisory Committee Report:

- {160] We are of the view that thresholds have the greatest potential to vary from place to place as they will respond to the particular history and cultural fabric of the area under study...
- {161] Essentially a 'threshold' is the level of cultural significance that a place must have before it can be recommended for inclusion in the planning scheme. The question to be answered is 'Is the place of sufficient import that its cultural values should be recognised in the planning scheme and taken into account in decision-making?' Thresholds are necessary to enable a smaller group of places with special architectural values, for example, to be selected out for listing from a group of perhaps hundreds of places with similar architectural values...
- {162] Factors determining thresholds ... will include such things as intactness, age, rarity, and design or aesthetic quality.
- {163] We are of the view that thresholds have the greatest potential to vary from place to place as they will respond to the particular history and cultural fabric of the area under study. As we have commented, we see the development of thresholds as something which responds to the particular characteristics of the area under investigation and its heritage resources. Nevertheless the types of factors that might be deployed to establish local thresholds can be specified State-wide. They would include rarity in the local context, condition/degree of intactness, age, design quality/aesthetic value, their importance to the development sequence documented in the thematic environmental history. P 2-41 Review Of Heritage Provisions In Planning Schemes, Advisory Committee Report, August 2007
- {164] The homestead building is a fine representative example of a turn of the century brick homestead. Architecturally it demonstrates many of the features from this period. It is of note for its combination of late Victorian and Federation era architectural features as this combination contributes to its architectural significance. This period was particularly rich in terms of the variety of stylistic expressions, the variety of architectural features and how they were combined. This vitality and architectural innovation is often attributed to the exploration of an architectural expression that would best represent the new found ideals of nationhood.
- {165] Of particular note is the asymmetrical façade with its fine return verandah and cast iron friezes and brackets. The face brickwork with half rendered upper wall; Diocletian window, paired timber brackets to the eaves and the pronounced chimneys contributes to an appreciation of the richness of the architectural expression.

{166] In addition the place retains buildings that date from the Selection era – two solid log structures. These buildings have their own intrinsic significance. However, if they are combined with the turn of the century homestead, the place demonstrates the transition from the basic and primitive to a sophisticated and economically successful enterprise. This is a fundamental characteristic of the many districts in the Goulburn Valley and particularly those areas that eventually benefited from the introduction of irrigation. It is of particular significance to an understanding of the development of the state of Victoria, as this region during the early 20<sup>th</sup> century, was an economic driver for the state. Land Selection and its policies were relatively successful and provided a start for many farmers, many of whom went on to be highly successful.

{167] The comparative examples provided by the respondent were not identified during the preparation of the study. However, they are noted and will be investigated as part of any future investigation. However, 840 Cooma Road, Cooma clearly demonstrates an important historic theme and provides tangible physical evidence of the impact of the Land Selection Acts and the further development of successful farming practices.

#### **Alterations, modifications and additions**

{168] Most places identified in the study have undergone some modifications and or/ alterations. What is important when assessing any place is that there is sufficient significant fabric to provide tangible physical evidence of the identified values. In this instance it is considered that there is sufficient fabric and the original built form is appreciable. The architectural features associated with this style are evident and the integrity is high. Change to significant places can be supported as long as the changes do not diminish the values to such an extent that the cultural values or no longer extant. The modifications to this house have not diminished the aesthetic and/or historical significance.

#### **Financial impacts**

{169] Property values are usually not relevant to the assessment of a place under the Heritage Overlay. Devaluation of a properties market value due to the application of the Heritage Overlay is a contentious issue and it is difficult to properly determine negative or positive financial impacts on an individual scale.

{170] In 2001, Heritage Victoria reviewed a number of studies on the effect the Heritage Overlay has on property values. This report found that, generally speaking heritage controls do not affect property values of residential buildings and particularly not for buildings in heritage precincts.

{171] More information on this can be found here:  
<https://www.whittlesea.vic.gov.au/media/1758/city-of-whittlesea-heritage-study-impact-of-the-heritage-overlay-on-housing-prices.pdf>.

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{172] Council officers in their Part A report, state that economic and financial impacts on individual properties are not material planning considerations and that individual interests do not always align with the interests of net community benefit [Source for this is the Part A Submission by Greater Shepparton City Council].

### **Paint Controls**

{173] Paint controls have been applied to guide the choice of future colour schemes for buildings that have been identified as having a strong aesthetic significance. The primary purpose of paint controls is to ensure that any future colour scheme is sympathetic to the cultural values. Inappropriate colour schemes can have a detrimental impact on the aesthetic qualities of a place. There are many different colour schemes that can be used in this context. If the place owner or manager wishes to paint an external surface with the same colour a planning permit will not be required. As this place is of aesthetic significance and it is a fine architectural example, paint controls are considered to be appropriate.

### **Tree Controls**

{174] Tree controls have been applied only to 'mature trees' and where the trees contribute to the aesthetic significance of the place. A 'mature tree' is any tree greater than 5 metres in height or greater than 2 metres in circumference measured at 1.4 metres above ground level.

{175] A planning permit is not required for routine works and gardening. A planning permit would also not be required:

- To undertake any action which is necessary to keep the whole or any part of a tree clear of an electric line provided the action is carried out in accordance with a code of practice prepared under Section 86 of the *Electricity Safety Act 1998*.
- If the tree presents an immediate risk of personal injury or damage to property.

These controls only apply to the extent of the Heritage Overlay and do not apply beyond this curtilage.

### **Outbuildings and Fences Controls**

The outbuilding or fences controls have been applied in response to the solid log buildings only. Any other fences or outbuildings (unless noted in the schedule) are not affected by this Amendment C205.

### **Conclusions and Recommendations**

{176] As there are two citations and two Heritage Overlays at this place, it is recommended that one Heritage Overlay with appropriate controls apply to the place. This may require changes to the Schedule to the Heritage Overlay and

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Citation Report. I have been informed that this will be further addressed in Council's Part B submission.

{177] This is a Post Exhibition change.

**Submission 9**

**HO104** 400 Zeerust Road, ZEERUST



400 Zeerust Road, ZEERUST

**Description**

{178] The Uniting Church, Zeerust is a modest single storey rendered brick church comprising a parapeted gabled roof nave and a skillion-roofed vestry to the rear. The nave roof has corrugated galvanised steel cladding penetrated by cylindrical ridge ventilators and parapets finished with rendered copings and finials. The side walls are buttressed and contain regular fenestration of lancet windows with simple leadlight glazing. The symmetrical south elevation contains a double leaf timber door, surmounted by three arched windows grouped under a rendered arched moulding. Flanking either side of the door is a blind pointed arched window.

{179] The adjacent Church Hall is a single-storey weatherboard building comprising a small rectangular hall with a projecting entry porch to south elevation. Both sections have a gabled roof clad in corrugated galvanised steel with turned timber finials. The side walls of the hall contain three regularly spaced timber-framed, double-hung sash windows.

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- {180] At the north boundary of the churchyard there are two timber-framed outhouses (one weatherboard, the other re-clad in fibro-cement sheet).

### **Statement of Significance**

*The Uniting Church as the corner of Zeerust Church and Zeerust Roads, Zeerust is of local historical, social and aesthetic significance. Constructed in 1876 and 1914, the church and hall have been a centre for Methodist/Uniting Church worship and activity for over 125 years. Aesthetically the church is a substantially intact and representative example of a rural church with simple Gothic Revival detailing, distinguished from the numerous examples in the municipality by its cement render finish. The adjacent church hall is a substantially intact and representative example of its type and makes a contribution to the significance of the place.*

### **Submission**

- {181] The respondent wishes to add one of the outbuildings (long drop toilets) to the statement of significance.
- {182] The respondent states that there were two toilets, but one has blown over and on this basis it was decided to include the only standing structure.
- {183] Conclusions and Recommendations
- {184] On this basis it is proposed to add the surviving standing toilet as a significant outbuilding in both the Schedule to Clause 43.01 Heritage Overlay and the Place Citation Report.
- {185] The citation has been altered to reflect these changes. This is a Post Exhibition change.
- {186] A change to the Schedule to the Heritage Overlay is required in response to this submission.

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## **Submission 10**

**HO281** 95 Major Plains Road, MAJOR PLAINS

### **Description**

{187] Boorinda Homestead has many distinctive architectural features associated with the period of design. Its basic plan form is asymmetric with the length of the facade recessed with a projecting gable roofed section. The recessed facade has a deep verandah with relatively large squared masonry columns. The windows are set relatively high in the wall and have casement frames. There are few decorative features; instead the design relies on the solidity of form and refined proportions. The roof has been clad with a 'Trimdek' type metal roof. The garden setting provides an appropriate foil for this homestead.

### **Statement of Significance**

#### **What is Significant?**

*Boorinda Homestead at 195 Major Plains Road, Major Plains is significant. This includes all of the architectural features associated with its Interwar architecture. The 'Trimdek' profile roof is not significant.*

#### **How is it Significant?**

*Boorinda Homestead is of local historic and aesthetic cultural heritage significance to the City of Greater Shepparton.*

#### **Why is it Significant?**

*Boorinda is of historic significance for its association with the early pastoral development of this district.*

*It is of historic significance for its association Gavin and Kathrine Gibson who were prominent community members and land holders in the district during the early to mid 20th century.*

*They bought Boorinda in 1899 and largely built the current homestead in c.1915/16. Kathrine continued with the farm after her husband's death and also continued to support the local community. She advocated for an ambulance for Dookie and she made a gift to the local Dookie College of £1500 for the construction of a modern brick laboratory as a memorial to her husband; she also donated equipment and a cot ('to be available for child patients from the Dookie district') to the Alfred Hospital.*  
HERCON criterion A

*Boorinda Homestead is of aesthetic significance for its austere Interwar architecture. It is a rare homestead for the region both in terms of its scale, as well as its design.*  
HERCON criterion E

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### Submission

{188] The respondent had a number of questions as to the impact and purpose of the Heritage Overlay on a private property. These are as follows:

1. Why the Heritage Overlay should apply to a private dwelling on private property and not visible from a public highway?
2. How can the property have been assessed when no access was granted?
3. What criteria were used to result in the recommendations for this property?
4. What are there external paint controls and their effect on future changes? What does 'Prohibited uses may be permitted' mean?
5. Are there any other proposed 'heritage restrictions' likely to be imposed now or in the future?
6. What are the criteria used to determine restrictions?
7. The need for written information about all of these issues.

### Response to Submission

#### Cultural Significance and the Application of Controls

{189] There is strategic justification for the protection of places of cultural heritage significance under Section 12(2) of the *Planning and Environment Act*. The Heritage Overlay is the most appropriate planning tool in Victoria to identify and conserve places of local heritage significance. The Heritage Overlay provides the mechanism for the planning authority to guide all future development proposals. The objective is to: '*conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value*'.

{190] The methodology for HSIIC was prepared with regard to relevant Independent Panel reports, the *Australia ICOMOS Charter for Places of Cultural Heritage Significance, The Burra Charter, 2013* (Burra Charter) and its guidelines, and the '*Planning Practice Note 1: Applying the Heritage Overlay*' (2015). Consideration was also given to Heritage Victoria's 'Model Consultants' Brief for Heritage Studies' (2010).

{191] The following recommendations from the Advisory Committee Report also provide guidance for the assessment of cultural significance:

{192] We are of the view that thresholds have the greatest potential to vary from place to place as they will respond to the particular history and cultural fabric of the area under study...

{193] Essentially a 'threshold' is the level of cultural significance that a place must have before it can be recommended for inclusion in the planning scheme. The question to be answered is 'Is the place of sufficient import that its cultural values should be

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recognised in the planning scheme and taken into account in decision-making?' Thresholds are necessary to enable a smaller group of places with special architectural values, for example, to be selected out for listing from a group of perhaps hundreds of places with similar architectural values...

- {194] Factors determining thresholds ... will include such things as intactness, age, rarity, and design or aesthetic quality.
- {195] We are of the view that thresholds have the greatest potential to vary from place to place as they will respond to the particular history and cultural fabric of the area under study. As we have commented, we see the development of thresholds as something which responds to the particular characteristics of the area under investigation and its heritage resources. Nevertheless the types of factors that might be deployed to establish local thresholds can be specified State-wide. They would include rarity in the local context, condition/degree of intactness, age, design quality/aesthetic value, their importance to the development sequence documented in the thematic environmental history. P 2-41 Review Of Heritage Provisions In Planning Schemes, Advisory Committee Report, August 2007
- {196] The location of any heritage place and as to whether it can be seen from the public domain, or not, is not a consideration during the assessment of significance and/or the application of a Heritage Overlay.
- {197] The property has been included on the basis of its historical significance and aesthetic significance. The historic and aesthetic significance has been determined through research.
- {198] The controls that have been applied reflect the significance of the building and its setting.

### **Paint Controls**

- {199] Paint controls have been applied to guide the choice of future colour schemes for buildings that have been identified as having a strong aesthetic significance. The primary purpose of paint controls is to ensure that any future colour scheme is sympathetic to the cultural values. Inappropriate colour schemes can have a detrimental impact on the aesthetic qualities of a place. There are many different colour schemes that can be used in this context. If the place owner or manager wishes to paint an external surface with the same colour a planning permit will not be required.

### **Tree Controls**

- {200] Tree controls have been applied only to 'mature trees' and where the trees contribute to the aesthetic significance of the place. A 'mature tree' is any tree

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greater than 5 metres in height; or greater than 2 metres in circumference measured at 1.4 metres above ground level.

{201} A planning permit is not required for routine works and gardening. A planning permit would also not be required:

- to undertake any action which is necessary to keep the whole or any part of a tree clear of an electric line provided the action is carried out in accordance with a code of practice prepared under Section 86 of the *Electricity Safety Act 1998*.
- if the tree presents an immediate risk of personal injury or damage to property.

{202} Prohibited Uses have been applied to ensure that all uses can be considered for this place.

{203} The prohibited use column in the schedule has been applied to a number of places. This has been done to assist with the continued use of the heritage place. A continued use of any place is the best measure for the continued maintenance and conservation of a heritage place.

### **Future controls**

{204} The Amendment is expected to take 12-18 months from exhibition to complete.

### **Conclusions and Recommendations**

{205} No change to the Schedule to the Heritage Overlay is required in response to this submission.

**Submission 11**

**HO352** 9 Edward Street, SHEPPARTON



9 Edward Street, SHEPPARTON

**Description**

- {206] The Federation Bungalow is constructed from red face brickwork. There is a decorative rendered band to the face brickwork and this feature is typical for the style and is often referred to as 'blood and bandages'.
- {207] The hipped roof with gablet vents and the gable roof is clad with corrugated metal.
- {208] The gable front has a rendered apex with decorative timber strapping and a timber framed window with a decorative window hood.
- {209] The verandah has timber fretwork and the doors and windows are timber framed.
- {210] Architectural features such as the hipped roof with gablet vents, the half rendered brick chimneys, the small window flanking the front entrance, the side lights to the door and window contribute to the architectural expression.
- {211] A rectangular shop front is attached to the residence and this shop has direct frontage to the street. The design is box like with a brick parapet. The glazed shop front and awning are not original. The front face brick work to the shop has been painted. The brick pillar fence with timber pickets is a later addition.

**Statement of Significance**

**What is Significant?**

*9 Edward Street, Shepparton, and this includes the Federation era bungalow (with its garden setting) is significant.*

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*The shop front was built during the occupation of the site by Bush's Blinds (c.1980) and is not significant. The front fence and the painted finish to the shop front is not significant.*

### **How is it Significant?**

*9 Edward Street is of local historic and aesthetic cultural heritage significance to the City of Greater Shepparton.*

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

*9 Edward Street is of historic and social significance as it demonstrates the character of residential expansion to the immediate north of the central business area during the Interwar period. There was an increasing demand for residential land from the 1900s and in particular during the 1920s. The economic prosperity which drove this expansion is linked to the increasing success and sustainability of irrigation, dairying and farming.*

HERCON criteria A & G

*It is of architectural significance as it is a good regional representative example of a Federation period bungalow style. The porch is distinctive. The face red brickwork, orange terracotta tiles and creamy white rendered gable with white timber details create a pleasing evocation of this style.*

HERCON criterion E

### **Submission**

1. The respondent states that his property is not of significance and the application of the Heritage Overlay is not warranted.
2. There are other properties that are comparative to this property in Shepparton.
3. The respondent cites 111 Maude Street, 101 Corio Street, 92, 94 and 96 Corio Street as examples of places not included in the Schedule but should be included.
4. 48 – 60 Maude Street is listed in the Heritage Overlay and the respondent does not understand this inclusion.
5. The application of the Heritage Overlay will affect the property's value and saleability.
6. The respondent is concerned that the shop that faces onto the street has heritage controls as a non-contributory item.
7. The respondent is of the opinion that the Heritage Overlay will restrict the business signage options for the shop.
8. The respondent is of the opinion that if the shop is rated separately then the controls need not apply to that part of the property.
9. The respondent is concerned that despite having a leaking roof the heritage controls will prevent the roof being replaced with a modern roof.

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## **Response to Submission**

### **Assessment of Significance**

- {212] The methodology for HSIIC was prepared with regard to relevant Independent Panel reports, the *Australia ICOMOS Charter for Places of Cultural Heritage Significance, The Burra Charter, 2013* (Burra Charter) and its guidelines, and the '*Planning Practice Note 1: Applying the Heritage Overlay*' (2015). Consideration was also given to Heritage Victoria's 'Model Consultants' Brief for Heritage Studies' (2010).
- {213] The brief for the HSIIC largely applied to rural and related places. However, it was recognised that there were areas of Shepparton that had not been reviewed adequately with regard to places that would provide evidence of the development of the city. This was seen as particularly evident with the changes to the township as its development moved north of the commercial centre. Edward and Welsford Streets were identified as places that were potentially of local significance.
- {214] The Heritage Overlay is well represented in other residential areas further to the north but this more immediate area had been under represented.
- {215] This is supported in-principle by the following recommendations from the Advisory Committee Report:
- {216] We are of the view that thresholds have the greatest potential to vary from place to place as they will respond to the particular history and cultural fabric of the area under study...
- {217] Essentially a 'threshold' is the level of cultural significance that a place must have before it can be recommended for inclusion in the planning scheme. The question to be answered is 'Is the place of sufficient import that its cultural values should be recognised in the planning scheme and taken into account in decision-making?' Thresholds are necessary to enable a smaller group of places with special architectural values, for example, to be selected out for listing from a group of perhaps hundreds of places with similar architectural values...
- {218] Factors determining thresholds ... will include such things as intactness, age, rarity, and design or aesthetic quality.
- {219] We are of the view that thresholds have the greatest potential to vary from place to place as they will respond to the particular history and cultural fabric of the area under study. As we have commented, we see the development of thresholds as something which responds to the particular characteristics of the area under investigation and its heritage resources. Nevertheless the types of factors that might be deployed to establish local thresholds can be specified State-wide. They would include rarity in the local context, condition/degree of intactness, age, design quality/aesthetic value, their importance to the development sequence documented

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in the thematic environmental history. P 2-41 Review Of Heritage Provisions In Planning Schemes, Advisory Committee Report, August 2007

{220} A comparative analysis was undertaken and 36 Welsford Street, 7 Edward Street, 9 Edward Street and 13 Edward Street were assessed as providing the most appropriate examples in terms of design, construction and location. They demonstrate particular aesthetic and historic themes for residential development within this area. In relation to the three Edward Street properties, their proximity was also a consideration for including this group as it gives a better sense of the settlement pattern of that period. In relation to Welsford Street, 31 and 36 Welsford Street represent similar values in terms of demonstrating settlement pattern. It is important to identify these places in the area to the immediate north of the commercial centre as it shows that the residential area had developed in proximity to the commercial area of the city.

{221} It is noted that there are properties in Shepparton that are similar. However, 9 Edward Street was identified (along with 7 Edward Street, 13 Edward Street, 31 Welsford Street and 36 Welsford Street, Shepparton) to provide evidence of the character and type of residential development that occurred to the inner north areas of Shepparton.

{222} In terms of other places, the following is noted:

1. 92, 94 and 96 Corio Street, Shepparton are located within the Heritage Overlay as places of Contributory significance in the Shepparton Residential Precinct South (HO141).
2. 111 Maude Street is proposed to be assessed as part of a future heritage study.
3. 101 Corio Street is a modern building and does not satisfy any of the historic themes.
4. 48 – 60 Maude Street is included as a non-contributory area in HO96. See below.



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### **Financial Impact**

{223} Property values are usually not relevant to the assessment of a place under the Heritage Overlay. Devaluation of a property's market value due to the application of the Heritage Overlay is a contentious issue and it is difficult to properly determine negative or positive financial impacts on an individual scale.

{224} In 2001, Heritage Victoria reviewed a number of studies on the effect the Heritage Overlay has on property values. This report found that, generally speaking heritage controls do not affect property values of residential buildings and particularly not for buildings in heritage precincts. More information on this can be found here: <https://www.whittlesea.vic.gov.au/media/1758/city-of-whittlesea-heritage-study-impact-of-the-heritage-overlay-on-housing-prices.pdf>.

{225} Council officers in their Part A report, state that economic and financial impacts on individual properties are not material planning considerations and that individual interests do not always align with the interests of net community benefit [Source for this is the Council Part A Submission by Greater Shepparton City, Amendment C205 to the Greater Shepparton Planning Scheme].

### **Controls on Non-contributory Places**

{226} The shop at 9A Edward Street, while within the Heritage Overlay, is not part of the significant fabric and is a non-contributory feature. The removal or altering of non-contributory elements within a precinct is generally supported. However, the heritage controls are intended to guide development of alterations and additions of any non-contributory element so they do not impact upon the cultural heritage significance of the place. The redevelopment of a non-contributory place needs to respect and reflect the character and appearance of places in the precinct.

### **Business Signage**

{227} Business signage is supported. It is recognised that signage is important for any business. Signage does trigger the need for a planning permit.

### **Impact of rates**

{228} Heritage Overlays are not applied with reference to rateable areas.

### **Repairs, maintenance and works**

{229} There are no objections to the replacement and repair of any roof or feature of a building in a heritage area. If the roof is replaced with the same material (galvanised metal), it will not require a planning permit. Colorbond as a different material will require a planning permit.

### **Conclusions and Recommendations**

{230} No change to the Schedule to the Heritage Overlay is required in response to this submission.

## Submission 12

HO302 16 Alexandra Street, MOOROOPNA



16 Alexandra Street, MOOROOPNA

### Description

- {231} The house at 16 Alexandra Street, Mooroopna demonstrates most of the built characteristics associated with regional housing from the early 20th century.
- {232} The design relies on its asymmetry, with a projecting front and a pair of double-hung sash windows with window hoods.
- {233} The recessed section has a bullnosed verandah with a front door with sidelights and highlights, and a single timberframed double-hung sash window. The roof to the main section is hipped and has a gablet; the projecting front has a hipped roof clad with corrugated galvanised metal. The brick chimneys have brick cornices. The timber picket fence was built later but is sympathetic to the period.
- {234} The building has been restored by the current owner.

### Statement of Significance

#### What is Significant?

*The former Methodist parsonage is of significance.*

*The architectural features associated with the early 20th century building such as the timber fretwork and timber joinery details, the timber weatherboard cladding and the corrugated metal cladding, all contribute to the significance of the place. The setting with setback from the front boundary is of significance.*

### **How is it Significant?**

*The former parsonage is of local historic, social and aesthetic cultural heritage significance to the City of Greater Shepparton.*

### **Why is it Significant?**

*It is of historic and social significance for its association with the establishment of Methodism in Mooroopna. HERCON criterion A*

*It is of aesthetic significance for its early 20th century architecture. Its architectural expression relies on the asymmetrical facade with the projecting front and recessed bullnosed verandah. The decorative timber joinery (timber fretwork, timber verandah posts, timber detailing to the window hood and timber window and door frames) are also typical for the period and region. HERCON criterion D*

### **Submission**

1. The Heritage Overlay is not warranted on the former Parsonage (HO302)
2. The Heritage Overlay will devalue the property
3. Inadequate consultation has occurred.

### **Response to the Submission**

#### **Cultural Significance**

{235] There is strategic justification for the protection of places of cultural heritage significance under Section 12(2) of the *Planning and Environment Act*. The Heritage Overlay is the most appropriate planning tool in Victoria to identify and conserve places of local heritage significance. The Heritage Overlay provides the mechanism for the planning authority to guide all future development proposals. The objective is to: *'conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value'*.

{236] The methodology for Shepparton Heritage Study IIC was prepared with regard to relevant Independent Panel reports, the *Australia ICOMOS Charter for Places of Cultural Heritage Significance*, *The Burra Charter*, 2013 (Burra Charter) and its guidelines, and the *'Planning Practice Note 1: Applying the Heritage Overlay'* (2015). Consideration was also given to Heritage Victoria's *'Model Consultants' Brief for Heritage Studies'* (2010).

{237] The following recommendations from the Advisory Committee Report also provide guidance for the assessment of cultural significance:

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- {238] We are of the view that thresholds have the greatest potential to vary from place to place as they will respond to the particular history and cultural fabric of the area under study...
- {239] Essentially a 'threshold' is the level of cultural significance that a place must have before it can be recommended for inclusion in the planning scheme. The question to be answered is 'Is the place of sufficient import that its cultural values should be recognised in the planning scheme and taken into account in decision-making?' Thresholds are necessary to enable a smaller group of places with special architectural values, for example, to be selected out for listing from a group of perhaps hundreds of places with similar architectural values...
- {240] Factors determining thresholds ... will include such things as intactness, age, rarity, and design or aesthetic quality.
- {241] We are of the view that thresholds have the greatest potential to vary from place to place as they will respond to the particular history and cultural fabric of the area under study. As we have commented, we see the development of thresholds as something which responds to the particular characteristics of the area under investigation and its heritage resources. Nevertheless the types of factors that might be deployed to establish local thresholds can be specified State-wide. They would include rarity in the local context, condition/degree of intactness, age, design quality/aesthetic value, their importance to the development sequence documented in the thematic environmental history. P 2-41 Review Of Heritage Provisions In Planning Schemes, Advisory Committee Report, August 2007
- {242] The place at 16 Alexandra Street is of cultural significance. It is of significance for its association with former Methodist Church. It is a relatively rare building type in Mooroopna.

### **Financial Impact**

- {243] Property values are usually not relevant to the assessment of a place under the Heritage Overlay. Devaluation of a properties market value due to the application of the Heritage Overlay is a contentious issue and it is difficult to properly determine negative or positive financial impacts on an individual scale.
- {244] In 2001, Heritage Victoria reviewed a number of studies on the effect the Heritage Overlay has on property values. This report found that, generally speaking heritage controls do not affect property values of residential buildings and particularly not for buildings in heritage precincts.

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{245] More information on this can be found here:  
<https://www.whittlesea.vic.gov.au/media/1758/city-of-whittlesea-heritage-study-impact-of-the-heritage-overlay-on-housing-prices.pdf>.

### **Consultation**

{246] Consultation has occurred with all land owners of properties included in HSIIC. Consultation has been ongoing since mid-2017 to ensure that all land owners and occupiers of land are informed of the findings and recommendations of the Draft Study.

{247] The Act provides requirements for how amendments to a planning scheme should be undertaken. Rather than undertaking the standard four weeks required by the Act, Council resolved to exhibit the Amendment for ten weeks to ensure that adequate consultation has occurred. [Source for this is the Council Part A Submission by Greater Shepparton City, Amendment C205 to the Greater Shepparton Planning Scheme].

### **Conclusions and Recommendations**

{248] No change to the Schedule to the Heritage Overlay is required in response to this submission.

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**Submission 13**

**HO276** 180 Riverview Drive, KIALLA

{249] This submission is addressed at Page 134, Submissions 13, 14a, 14b, 15, 17, 18, 19, 29 and 38

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**Submission 14A**

**HO276** 253 Riverview Drive, KIALLA

{250] This submission is addressed at Page 134, Submissions 13, 14a, 14b, 15, 17, 18, 19, 29 and 38

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**Submission 14b**

**HO276** 253 Riverview Drive, KIALLA

{251] This submission is addressed at Page 134, Submissions 13, 14a, 14b, 15, 17, 18, 19, 29 and 38

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**Submission 15**

**HO276** 270 Riverview Drive, KIALLA

{252] This submission is addressed at Page 134, Submissions 13, 14a, 14b, 15, 17, 18, 19, 29 and 38

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## Submission 16

HO254 1065 Murchison-Tatura Road, Dhurringile



1065 Murchison-Tatura Road, Dhurringile

### Description

{253} The homestead at 1065 Murchison-Tatura Road demonstrates many of the architectural characteristics associated with this period of building. The construction and design was informed to a degree by the type of materials that were available during the post war period. This includes the types of bricks, the roofing iron and some of the timber joinery. The façade is distinguished by a gable and a return verandah.

### What is Significant?

*The homestead at 1065 Murchison Road, Dhurringile is significant.*

### How is it Significant?

*The homestead is of local historic and aesthetic cultural heritage significance to the City of Greater Shepparton.*

### Why is it Significant?

*The homestead is of historic significance as being representative of the character of development that occurred in the region during the post war period. This economic period is marked by the growth of the agricultural sector. HERCON criterion A*

*The homestead is of aesthetic significance for its representative architecture. The scale and construction type is representative of the post war period and the impact of rationing of some building materials. HERCON criterion D*

### Submission

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1. The respondent does not support the application of any heritage controls as proposed by Amendment C205.
2. The house was built in 1955 and has been modified without regard to the architecture of the building.
3. The house is not environmentally sustainable or comfortable.
4. The respondent does not want to have people in to look at the house.

## **Response to Submission**

### **Cultural Significance**

- {254} Council is obliged to conserve places of local cultural heritage significance under Section 12(2) of the Act which requires planning authorities to implement the objectives of the Act. Section 4(1)(d) of the Act is 'to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value'.
- {255} The Heritage Overlay is the most appropriate planning tool in Victoria to identify and conserve places of heritage significance by guiding future development proposals to be respectful of this significance.
- {256} There is strategic justification for the protection of places of cultural heritage significance.
- {257} The place is significant for historic and aesthetic cultural heritage significance.

### **Modifications**

Most places identified in HSIIC have undergone some modifications and or/ alterations. What is important when assessing any place is that there is sufficient significant fabric to provide tangible physical evidence of the identified values. In this instance it is considered that there is sufficient fabric and the original built form is appreciable. The architectural features associated with this style are evident and the integrity is high. Change to significant places can be supported as long as the changes do not diminish the values to such an extent that the cultural values are no longer extant. The modifications to this house have not diminished aesthetic and/or historical significance.

The modifications as noted by the respondent are reversible and as described these changes would be supported.

### **Sustainability & Comfort**

- {258} A house included in the Heritage Overlay can be made sustainable. There are a number of measures that can be undertaken to ensure that the homestead has a better level of amenity. Change and modifications are supported and can be

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entertained. There are a number of heritage guidelines that discuss these issues and can be provided to the owner.

**Privacy**

{259] There is no requirement under the Heritage Overlay to allow people into or onto private property.

**Conclusions and Recommendations**

{260] No change to the Schedule to the Heritage Overlay is required in response to this submission.

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**Submission 17**

**HO276** 210 Riverview Drive, KIALLA

{261] This submission is addressed at Page 134, Submissions 13, 14a, 14b, 15, 17, 18, 19, 29 and 38

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**Submission 18**

**HO276** 249 Riverview Drive, KIALLA

{262] This submission is addressed at Page 134, Submissions 13, 14a, 14b, 15, 17, 18, 19, 29 and 38

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**Submission 19**

**HO276** 210 Riverview Drive, KIALLA

{263] This submission is addressed at Page 134, Submissions 13, 14a, 14b, 15, 17, 18, 19, 29 and 38

## Submission 20

### Description

#### **406 Boxwood Road, Boxwood (Lime Kilns) (HO236)**

{264} Within the reserve there are visible remains of the Lime Kilns, including a large ravine, remnants of the kilns and some chimney blocks. 12 Boxwood - 52 ha, comprising the Lime and Wood Reserve, Allotments 169 and 169D, Parish of Dookie.

{265} A large block on hilly terrain composed of Cambrian sedimentary rocks and supporting an open woodland of grey and red box, the reserve contains relics of a limestone mine that was worked in the 1930s. The workings occur on a spur in the southern part of the block and consist of a number of long narrow open cuts along a 4 m-wide calcite vein. An exploration shaft and edit are also present. Mining relics at the site consist of foundations for the crushing plant and remnants of a kiln used to calcine the crushed lime. The reserve is commonly visited by school groups for historical and geological education purposes.

{266} Source DEWLP HERMES record 82407

#### **380 Thompsons Road, Congupna (Moreton Bay Fig Trees) (HO245)**

{267} The Moreton Bay fig trees are excellent examples of their species. Their maturity and form is notable.

#### **242 Riverview Drive, Kialla (Part of the Kialla Village Settlement) (HO276)**

{268} The Kialla Village Settlement is in an area of bushland along the Goulburn River, formerly known as Honeysuckle Park. The Settlement has a significant creek that dissects the land, and this is frequently flooded as the water attempts to flow north in a more direct path.

#### **1 McLennan Street, Mooroopna (Chinaman's Garden) (Chinaman's Garden)**

{269} A lightly treed area on the banks of the Goulburn River.

#### **Part of Shepparton Regional Park, Midland Highway, Mooroopna (Mooroopna Flats) (HO312)**

{270} The Flats are an open Riverine environment with large open expanses, treed areas and areas of regrowth.

#### **3-23 Willoughby Street, Murchison (Murchison Protectorate) (HO334)**

{271} The Aboriginal Protectorate area is a lightly wooded and grassed area. There are a number of significant trees within this place.

#### **Reserve adjacent to Murchison-Goulburn Weir Road, Murchison (Flume at Murchison-Goulburn Weir) (HO332)**

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{272] This flume was built as part of the Goulburn Irrigation Scheme, the first large-scale publicly-funded irrigation scheme in Victoria and possibly Australia. The flume is a heavy wooden construction raised on piles; it acted as an aqueduct, carrying the 'National Channel' over a sizeable natural depression on the route from the Goulburn Weir to connect south of Murchison with the earlier channel of the United Echuca and Waranga Waterworks Trust. The flume consists of the piles and their struts surmounted by a wide decking with shallow outward-sloping retaining walls on either side, both decking and walls constructed of short lengths of 4 inch [10.2 cm] oregon. The remnants of the original tar covering are visible above the water line. Each side is topped by a walkway with handrail, now the only section visible, the decking and sides being generally submerged under the water of the Stuart Murray Canal, as the National Channel is now known.

### **Submission**

{273] DELWP does not believe that additional controls should be applied to the following parcels of Crown Land as there are already high levels of protection afforded to Crown Land. DELWP does not want controls on the following places:

- 420 Boxwood road BOXWOOD VIC 3725 (Lime Kilns)
- McLennan Street MOORoopna VIC 3629 (Chinaman's Garden)
- Part of Shepparton Regional Park, Midland Highway MOORoopna VIC 3629 (Mooroopna Flats)
- 3-23 Willoughby MURCHISON VIC 3610 (Murchison Protectorate)

{274] DELWP supports the application of controls on the places below:

- 380 Thompsons Road CONGUPNA VIC 3633 (Moreton Bay Fig Trees)
- 242 Riverview Drive KIALLA VIC 3631 (Kialla Village Settlement)
- Reserve adjacent to Murchison – Goulburn Weir Road MURCHISON VIC 3610 (Flume at Murchison Goulburn Weir) because this land is freehold land.

### **Response to Submission**

{275] It is noted that there are high levels of protection on Crown Land but this protection is not primarily for the preservation of cultural heritage values.

{276] The Heritage Overlay is the most appropriate planning tool in Victoria to identify and conserve places of heritage significance by guiding future development proposals to be respectful of this significance. There is strategic justification for the protection of places of cultural heritage significance.

### **Conclusions and Recommendations**

{277] No change to the Schedule to the Heritage Overlay is required in response to this submission.

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## Submission 21

HO231 170 Ardmona Road, ARDMONA



Former Ardmona Grammar School, 170 Ardmona Road, ARDMONA

### Description

{278} A simple gabled weatherboard building with verandahs to both east (front) and west faces.

### What is Significant?

*The former Edwardian school building at 170 Ardmona Road Ardmona is significant. This includes all of the architectural features associated with its Edwardian architecture.*

### How is it Significant?

*The former school building is of local historic, social and aesthetic cultural heritage significance to the City of Greater Shepparton.*

### Why is it Significant?

*The former Ardmona Grammar School is of historic and social significance as it provides tangible physical evidence of the prosperity and aspirations of orchardists in the Ardmona District. This district was one of the earliest in the region to embrace irrigation technologies, and by 1914 1008 hectares of orchards had been established. Private schools were not common and particularly in the less populated rural areas. It appears to have been established in response to the growing prosperity of the orchardists and their perceptions that it would provide both social and educational advantages for their children. HERCON criteria A & B*

*It is of aesthetic significance for its representative Edwardian architecture. HERCON criterion E*

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### **Submission**

1. The respondent objects to the application of tree controls on the plane trees.
2. The respondent would like to exclude the verandahs from the application of a heritage control.

### **Response to Submission**

#### **Tree Controls**

{279] Tree controls have been applied only to 'mature trees' and where the trees contribute to the aesthetic significance of the place. A 'mature tree' is any tree greater than 5 metres in height; or greater than 2 metres in circumference measured at 1.4 metres above ground level.

{280] A planning permit is not required for routine works and gardening. A planning permit would also not be required:

- To undertake any action which is necessary to keep the whole or any part of a tree clear of an electric line provided the action is carried out in accordance with a code of practice prepared under Section 86 of the *Electricity Safety Act 1998*.
- If the tree presents an immediate risk of personal injury or damage to property.

{281] The plane trees contribute to the aesthetic significance of the place. Any proposal to remove, lop or to remove one or more of the trees can be considered through the normal planning permit process.

#### **Exclusion of features from the extent of the Heritage Overlay**

{282] The Statement of Significant sets out what is significant and this is confined to all architectural features associated with the building's Edwardian architecture. The later additions to the building are considered to be sympathetic but not significant. This provides clear guidance for the management of the place.

#### **Conclusions and Recommendations**

{283] No change to the Schedule to the Heritage Overlay is required in response to this submission.

**Submission 22**

**HO174** 142 Nixon Street, SHEPPARTON



142 Nixon Street, SHEPPARTON

**Description**

{284} 142 Nixon Street is a timber weatherboard house with hipped corrugated metal roof. The eaves have single timber brackets. The design is symmetrical with a central door and windows on either side. The windows do not appear to be original to the period of construction. There is a verandah to the front of the house and it has a decorative metal frieze with decoratively turned timber verandah posts.

**Statement of Significance**

**What is significant?**

*142 Nixon Street, Shepparton.*

**How is it significant?**

*142 Nixon Street contributes to the local historic, social and aesthetic significance of the City of Greater Shepparton.*

**Why is it significant?**

*142 Nixon Street is of historic and social significance as it provides tangible evidence as to the character of residential settlement in Shepparton during the early 20th century. Nixon Street became established as a residential street during this period. For Shepparton, the early 20th century and in particular the 1920s was a period that was marked by growth.*

[HERCON Criteria A & G]

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*It is of architectural significance as it provides a representative example of late Victorian/early 20th century cottage. 142 Nixon Street contributes to the group of houses in Nixon Street that illustrate the diversity and variation of development in Nixon Street during its consolidation as a residential street.*

*This includes the setting of the houses and the variations of the architectural expression. The period of development that is represented by this group was a time of change for Shepparton. The group of houses includes: 132, 134, 138-140, 142, 144, 150 and 156 Nixon Street Shepparton. [HERCON Criterion D]*

### **Submission**

1. The Heritage Overlay is not warranted on the property.
2. The respondent states that 142 Nixon Street, Shepparton is not a residential property – as described in the citation, instead, it is a commercial property.
3. The heritage controls have restricted further development and expansion of the property.
4. The respondent wishes to change the fence and the consultation meeting did not get a satisfactory response.
5. The respondent opposes paint controls as these will be restrictive. The respondent does not want to retain the current white colour.
6. The Heritage Overlay causes a material detriment. It means that the property cannot be sold and the respondent cannot move. This affects the respondents Superannuation and the impact is worse than the effects of the Global Financial Crisis with regard to the monetary value of the property and business.
7. Other buildings in Nixon Street that are similar in character to 142 Nixon Street have been demolished.
8. There are other buildings that are similar to 142 Nixon Street and they are not included in the Heritage Overlay.

### **Response to the Submission**

#### **Cultural Significance**

{285] There is strategic justification for the protection of places of cultural heritage significance under Section 12(2) of the *Planning and Environment Act*. The Heritage Overlay is the most appropriate planning tool in Victoria to identify and conserve places of local heritage significance. The Heritage Overlay provides the mechanism for the planning authority to guide all future development proposals. The objective is to: *'conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value'*.

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- {286] The methodology for Shepparton Heritage Study IIC was prepared with regard to relevant Independent Panel reports, the *Australia ICOMOS Charter for Places of Cultural Heritage Significance*, *The Burra Charter*, 2013 (Burra Charter) and its guidelines, and the '*Planning Practice Note 1: Applying the Heritage Overlay*' (2015). Consideration was also given to Heritage Victoria's 'Model Consultants' Brief for Heritage Studies' (2010).
- {287] The following recommendations from the Advisory Committee Report also provide guidance for the assessment of cultural significance:
- {288] We are of the view that thresholds have the greatest potential to vary from place to place as they will respond to the particular history and cultural fabric of the area under study...
- {289] Essentially a 'threshold' is the level of cultural significance that a place must have before it can be recommended for inclusion in the planning scheme. The question to be answered is 'Is the place of sufficient import that its cultural values should be recognised in the planning scheme and taken into account in decision-making?' Thresholds are necessary to enable a smaller group of places with special architectural values, for example, to be selected out for listing from a group of perhaps hundreds of places with similar architectural values...
- {290] Factors determining thresholds ... will include such things as intactness, age, rarity, and design or aesthetic quality.
- {291] We are of the view that thresholds have the greatest potential to vary from place to place as they will respond to the particular history and cultural fabric of the area under study. As we have commented, we see the development of thresholds as something which responds to the particular characteristics of the area under investigation and its heritage resources. Nevertheless the types of factors that might be deployed to establish local thresholds can be specified State-wide. They would include rarity in the local context, condition/degree of intactness, age, design quality/aesthetic value, their importance to the development sequence documented in the thematic environmental history. P 2-41 Review Of Heritage Provisions In Planning Schemes, Advisory Committee Report, August 2007
- {292] This significance of this place was supported by the Amendment C110 Panel Report where it recommended its inclusion in the Greater Shepparton Planning Scheme.

### **Adaptive Re-use**

- {293] The adaptive re-use of this building has not diminished any understanding or appreciation of the residential characteristics associated with the former residential building and/or its capacity to contribute to the cultural heritage significance of HO174.

### **Modifications, alterations and additions**

{294} Most places identified in the study have undergone some modifications and or/ alterations. What is important when assessing any place is that there is sufficient significant fabric to provide tangible physical evidence of the identified values. In this instance it is considered that there is sufficient fabric and the original built form is appreciable. The architectural features associated with this style are evident and the integrity is high. Change to significant places can be supported as long as the changes do not diminish the values to such an extent that the cultural values are no longer extant.

### **Restrictions to development opportunities**

{295} The Heritage Overlay is not applied to restrict development. The purpose of heritage controls is to ensure that any proposed changes to the built fabric and/or setting of the heritage place do not negatively impact upon the significance of the place. In some cases the Heritage Overlay might restrict elements of redevelopment proposal but rarely does it exclude any development or change.

{296} There are a number of planning permit exemptions that currently apply to land owners and a number of proposed exemptions that would apply as part of the Amendment. These are proposed as part of the *Greater Shepparton Heritage Incorporated Document, 2019 (GSHIP)*.

{297} The construction of new fences is supported. These works do require a planning permit.

### **Paint Controls**

{298} Paint controls have been applied to guide the choice of future colour schemes for buildings that have been identified as having a strong aesthetic significance. The primary purpose of paint controls is to ensure that any future colour scheme is sympathetic to the cultural values. Inappropriate colour schemes can have a detrimental impact on the aesthetic qualities of a place. There are many different colour schemes that can be used in this context. If the place owner or manager wishes to paint an external surface with the same colour, a planning permit will not be required.

### **Financial Impact**

{299} Property values are usually not relevant to the assessment of a place under the Heritage Overlay. Devaluation of a properties market value due to the application of the Heritage Overlay is a contentious issue and it is difficult to properly determine negative or positive financial impacts on an individual scale.

{300} In 2001, Heritage Victoria reviewed a number of studies on the effect the Heritage Overlay has on property values. This report found that, generally speaking heritage

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controls do not affect property values of residential buildings and particularly not for buildings in heritage precincts. More information on this can be found here: <https://www.whittlesea.vic.gov.au/media/1758/city-of-whittlesea-heritage-study-impact-of-the-heritage-overlay-on-housing-prices.pdf> [Source for this is the Council Part A Submission by Greater Shepparton City, Amendment C205 to the Greater Shepparton Planning Scheme].

### **Comparative places**

- {301} A comparative analysis of Nixon Street was undertaken, noting that there is a tight geographical area for the formation of a group of places. This was supported by the Independent Planning Panel for Amendment C110 to the Planning Scheme.

### **Demolition of comparative places in Nixon Street**

- {302} A number of buildings have been demolished in Nixon Street. These places were not covered by a Heritage Overlay.
- {303} 150 Nixon Street, which was covered by a Heritage Overlay, was demolished as it was assessed as being uninhabitable because of structural failure.

### **Conclusions and Recommendations**

- {304} No change to the Schedule to the Heritage Overlay is required in response to this submission.

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### **Submission 23**

{305] Planning Scheme Amendment C205

#### **Submission**

1. The respondent does not support Amendment C205.
2. The controls are too restrictive on non-contributory buildings within the heritage precincts.

#### **Response to Submission**

##### **Amendment C205**

{306] There is strategic justification for the protection of places of cultural heritage significance under Section 12(2) of the *Planning and Environment Act*. The Heritage Overlay is the most appropriate planning tool in Victoria to identify and conserve places of local heritage significance. The Heritage Overlay provides the mechanism for the planning authority to guide all future development proposals. The objective is to: *'conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value'*.

{307] The Heritage Overlay is the most appropriate planning tool in Victoria to identify and conserve places of heritage significance by guiding future development proposals to be respectful of this significance.

{308] There is strategic justification for the protection of places of cultural heritage significance.

##### **Non-contributory places**

{309] Places that are assessed as being non-contributory have different controls to those that are assessed as being contributory.

{310] The removal or altering of non-contributory elements within a precinct is generally supported. However, a redevelopment of a non-contributory place does need to respect and reflect the character and appearance of places in the precinct.

{311] Conclusions and Recommendations

{312] No change to the Schedule to the Heritage Overlay is required in response to this submission.

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## Submission 24

{313} Planning Scheme Amendment C205

### Submission

{314} Overall support for the Amendment C205 with most of the places listed in the study are worthy of protection and the rationale is justified.

### Issues

1. Most of the significant places (both Aboriginal and historic) have been lost. The places that are being proposed are minor and it is 'too little too late'.
2. Some of the places identified in the study– notably Phillips' Cellars have been demolished.
3. Planning with regard to heritage as the only trigger is expensive, inconsistent and inconvenient.
4. Guidelines should be developed to provide better guidance.
5. Decisions on heritage places come from one consultant there needs to be a more consistent approach with better checks and balances.
6. HO140 – the citation is generic and based on this premise the whole Shepparton could be included. Many of the properties have been altered.
7. The rationale for the inclusion of contributory places is flawed this is evident in HO140 Shepparton Residential Precinct North.
8. Why are tree controls being applied when they were not part of the original study.

### Response to Submission

#### Demolition of places

{315} It is noted that a number of places have been lost to demolition with the most significant being the Shepparton Post Office. However, there are a number of places that clearly satisfy the threshold of local cultural heritage significance. Council is obliged to ensure that places of cultural heritage significance within the municipality are preserved. Most of the places included in the Draft Study demonstrate at least one of the historic themes identified in the Thematic Environmental History. In addition the Draft Study has identified places that inform the history and provide further scope for a better understanding of the historic development of the City of Greater Shepparton. A number of these places have been assessed as being of state significance.

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### **Demolition of 52 Vaughan Street Shepparton**

{316} 52 Vaughan Street, (Phillips' Cellars) Shepparton was identified in HSIIC as being of local Individual significance. However, this place was not included in Amendment C204 Interim Controls (as it was a late nomination by a member of the public). As there was no Heritage Overlay, Council was unable to consider impacts on heritage significance and a building permit was issued.

### **The cost of permits**

{317} Section 47 of the Act sets out the relevant considerations for an application for a planning permit. Fees for planning permit applications are set by the Victorian Government. The *Planning and Environment (Fees) Regulations 2016* prescribe the fees to be paid to planning authorities for the preparation and consideration of planning permits. These are a set fee.

{318} Certain minor buildings and works requiring planning permission can be assessed as a VicSmart application with a reduced planning permit fee. Land owners may be exempt from requiring a planning permit for certain minor buildings and works in the Heritage Overlay. Council also offers a free heritage advisory service.

{319} Additionally, Council officers would like to highlight that planning permit fees may be waived if both the following circumstances are met:

- Interim Heritage Controls currently apply to the property; and
- The Heritage Overlay is the only planning permit trigger. [Source for this is the Council Part A Submission by Greater Shepparton City, Amendment C205 to the Greater Shepparton Planning Scheme]

### **Guidelines**

{320} Guidelines are proposed as part of future strategic work.

### **Inconsistency of Decision-Making**

{321} Decisions made on planning permit applications are assessed against Clause 43.01 Heritage Overlay and Clause 21.05-4 Cultural Heritage. These policies are clear and provide for a consistent approach in the management of places within the Heritage Overlay.

### **Generic Statements of Significance**

{322} HO140 (Shepparton Residential Precinct North) was included in the Greater Shepparton Planning Scheme in 2004. The Independent Planning Panel for Amendment C110 further reviewed HO140 to ensure that it satisfied the threshold for a precinct. The Panel Report for Amendment C110 stated that it was a visually cohesive streetscape and that precinct was of heritage significance. In this instance it is important that the precinct appear typical and have a consistent character and this could be described as generic. This typical character is what is significant.

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### **Assessment of Contributory Places**

{323} There are clear guidelines for the identification of a precinct and its contributory places. The precinct has to satisfy a historic theme, the places within it need to contribute as a group, to the significance of the precinct. Each contributory place must have integrity and intactness. This does not mean that a place with minor modifications cannot be assessed as being contributory. However, overall the contributory places must have an appreciable sense of sharing the identified characteristics.

{324} The precincts at HO140 and HO141 have this sense of cohesion and as a group demonstrate the identified cultural values. This can only occur if the contributory places through their integrity intactness and as a group support these values. The Heritage Overlay is the most appropriate planning tool in Victoria to identify and conserve places of heritage significance by guiding future development proposals to be respectful of this significance.

### **Tree Controls**

{325} Tree controls have been applied only to 'mature trees' and where the trees contribute to the aesthetic significance of the place. A 'mature tree' is any tree greater than 5 metres in height; or greater than 2 metres in circumference measured at 1.4 metres above ground level.

{326} A planning permit is not required for routine works and gardening.

{327} A planning permit would not be required:

- To undertake any action which is necessary to keep the whole or any part of a tree clear of an electric line provided the action is carried out in accordance with a code of practice prepared under Section 86 of the *Electricity Safety Act 1998*.
- If the tree presents an immediate risk of personal injury or damage to property.

{328} Tree controls are important as trees are integral to the suburban settings as found in HO140 and HO141. Mature trees contribute to the historic and aesthetic qualities of these places.

### **Conclusions and Recommendations**

{329} No change to the Schedule to the Heritage Overlay is required in response to this submission.

**Submission 25**

**HO376 Nimitybelle Homestead 110 Craven Road Tatura**



Nimitybelle Homestead 110 Craven Road Tatura

**Description**

{330} Nimitybelle homestead is a good representative example of a mid to late Victorian homestead. It is representative for the region and the period. The design is defined by its symmetry and this is achieved through a central door flanked on either side by timber sash windows. Other typical features from the period include the hipped roof, the slightly concave verandah profile and the brick chimneys with brick cornices. The verandah returns on both sides.

{331} The roof has retained the short sheets typical of the period.

{332} The integrity and intactness of this building contributes to its significance.

{333} The hay shed is constructed from earth fast timber (tree trunk) posts. The roof is clad with short sheets of corrugated metal roofing.

**What is Significant?**

*Nimitybelle, the homestead at 110 Craven Road, Tatura, is significant.*

*This includes the architectural features associated with this style: the corrugated metal clad hipped roof, the symmetrical facade, the timber framed windows and doorways and the brick chimneys.*

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*The hay shed with its timber posts and the short sheets of galvanised corrugated metal roof is significant.*

**How is it Significant?**

*The homestead is of local historic and aesthetic cultural heritage significance to the City of Greater Shepparton.*

**Why is it Significant?**

*It is of historic significance as it contributes to the group of homesteads dating from the late Victorian period to the early 20th century. As a group these buildings, through their scale and design, contribute to an understanding of the extent of economic growth and prosperity of the region during the late 19th to early 20th century. This was a period that saw the consolidation of irrigation, farming and other agricultural industries which resulted in an increasing prosperity. HERCON criterion A*

*The hay shed demonstrates a vernacular construction system that was commonly used for rudimentary outbuildings during the 19th and early 20th century. It is a rare surviving example in this region. HERCON criterion A*

*The homestead is of aesthetic significance as a local example of vernacular Victorian architecture. HERCON criterion D*

*The hay shed is of aesthetic significance for its simple proportions that have a classical-like simplicity. The textures of the unpainted timber posts contrast with the corrugated metal roof and combine to create a timeless addition to the rural cultural landscape. HERCON criterion E*

**HO375 Gladfield Homestead 110 Craven Road TATURA**



Gladfield Homestead 110 Craven Road TATURA

### **Description**

{334] This homestead is a late Victorian homestead. It is representative for the region and the period. The facade has a central door flanked on either side by timber sash windows (with side lights) and this contributes to the symmetry of the main facade. Other typical features include the hipped roof, a bullnose return verandah and brick chimneys. The verandah returns on both sides and has retained its integrity.

{335] The roof has retained the short sheets typical of the period.

{336] The integrity and intactness of this building is of note.

### **What is Significant?**

*The timber weatherboard Victorian homestead is significant.*

*This includes the architectural features associated with its period of construction, the return bullnosed verandah, the hipped roof, the brick chimneys, the timber weatherboard cladding, the timber-framed windows with side lights and the symmetrical facade.*

### **How is it Significant?**

*The homestead is of local historic and aesthetic cultural heritage significance to the City of Greater Shepparton.*

### **Why is it Significant?**

*Gladfield is of historic significance for its association with the Brady family who were early settlers in the district.*

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*It is of historic significance as it provides tangible physical evidence of the character of rural and regional development during the mid to late Victorian period. The scale and design of the building contributes to an understanding of the extent of economic growth and prosperity of the region. HERCON criterion A*

*It is of aesthetic significance for its representative architecture. It exhibits relatively simple architectural expression and largely relies on an asymmetry of expression and the use of typical elements such as timber-framed sash windows. It demonstrates what was typical for period and region. HERCON criterion D*

## **Submission**

{337] In General

1. The respondent objects to the Heritage Overlay being applied to their property because it is their home and farm.
2. Repairs to heritage places are more costly.  
Acknowledge that there is a grant but that has to be applied for and it is not given to owners every year.
3. There will be restrictions on redevelopment and the buildings will become redundant and fall into disrepair.

### **Gladfield Homestead**

4. Acknowledge that Gladfield Homestead is typical for its period but it is not special. It will be expensive to renovate and maintain.

### **Nimitybelle Homestead**

5. This homestead has been in the one family since settlement. It has always been well looked after and the respondent finds it offensive that a Heritage Overlay is being applied to keep it in order.
6. Paint controls are opposed.

### **Hayshed**

7. Hayshed-concerned that there will be restrictions with regard to maintenance and it will fall into disrepair. It already has a limited use.
8. There is no proof of age of the hayshed.

## **Response to Submission**

### **Cultural Significance**

{338] There is strategic justification for the protection of places of cultural heritage significance under Section 12(2) of the *Planning and Environment Act*. The Heritage Overlay is the most appropriate planning tool in Victoria to identify and conserve places of local heritage significance. The Heritage Overlay provides the mechanism for the planning authority to guide all future development proposals. The objective is to: *'conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value'*.

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- {339] The methodology for HSIIC was prepared with regard to relevant Independent Panel reports, the *Australia ICOMOS Charter for Places of Cultural Heritage Significance, The Burra Charter, 2013* (Burra Charter) and its guidelines, and the '*Planning Practice Note 1: Applying the Heritage Overlay*' (2015). Consideration was also given to Heritage Victoria's 'Model Consultants' Brief for Heritage Studies' (2010).
- {340] The following recommendations from the Advisory Committee Report also provide guidance for the assessment of cultural significance:
- {341] We are of the view that thresholds have the greatest potential to vary from place to place as they will respond to the particular history and cultural fabric of the area under study...
- {342] Essentially a 'threshold' is the level of cultural significance that a place must have before it can be recommended for inclusion in the planning scheme. The question to be answered is 'Is the place of sufficient import that its cultural values should be recognised in the planning scheme and taken into account in decision-making?' Thresholds are necessary to enable a smaller group of places with special architectural values, for example, to be selected out for listing from a group of perhaps hundreds of places with similar architectural values...
- {343] Factors determining thresholds ... will include such things as intactness, age, rarity, and design or aesthetic quality.
- {344] We are of the view that thresholds have the greatest potential to vary from place to place as they will respond to the particular history and cultural fabric of the area under study. As we have commented, we see the development of thresholds as something which responds to the particular characteristics of the area under investigation and its heritage resources. Nevertheless the types of factors that might be deployed to establish local thresholds can be specified State-wide. They would include rarity in the local context, condition/degree of intactness, age, design quality/aesthetic value, their importance to the development sequence documented in the thematic environmental history. P 2-41 Review Of Heritage Provisions In Planning Schemes, Advisory Committee Report, August 2007
- {345] Nimitybelle and Gladfield provide representative examples of the two different responses to the building of homesteads of their scale and type during the Victorian period. They are important as they provide tangible physical evidence of the changes to the settlement patterns.
- {346] It is noted that the place is their home and farm and that the controls are not intended to compromise these values. However, the controls are there to protect significant places for future generations.

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### **Maintenance and Repairs**

{347} The Heritage Overlay does not require land owners to return the property to any previous appearance that the building had in the past. Maintenance and routine repairs do not require a planning permit. Repairs and maintenance of a place should not cost more than the same type of repairs for houses not included in the Heritage Overlay.

{348} Council recognises that it can be difficult for owners to maintain their buildings. On this basis Council has supported an annual heritage grant program to assist owners in undertaking conservation works.

### **Restrictions on development**

{349} Changes to significant places can be supported as long as the changes do not diminish the values to such an extent that the cultural values are no longer extant.

### **Ownership**

{350} It is recognised that the owners of Nimitybelle have cared for the homestead and it is in good condition. The Heritage Overlay is also for future generations and to ensure that the same type of care for Nimitybelle is undertaken by future owners. The application of a Heritage Overlay is not meant to be a reflection on whether an owner cares for their building or not. It is about recognising the cultural values of the place.

### **Paint Controls**

{351} Paint controls have been applied to guide the choice of future colour schemes for buildings that have been identified as having a strong aesthetic significance. The primary purpose of paint controls is to ensure that any future colour scheme is sympathetic to the cultural values. Inappropriate colour schemes can have a detrimental impact on the aesthetic qualities of a place. There are many different colour schemes that can be used in this context. If the place owner or manager wishes to paint an external surface with the same colour a planning permit will not be required.

### **Maintenance of the Hayshed**

{352} There are no restrictions on the maintenance and care of the hayshed.

### **Hayshed – cultural significance**

{353} The hayshed was included for its representative vernacular construction.

### **Conclusions and Recommendations**

{354} No change to the Schedule to the Heritage Overlay is required in response to this submission.

**Submission 26**

**HO342 325 Poplar Avenue Orrvale**



325 Poplar Avenue Orrvale

**Description**

{355] A simple gabled weatherboard church with front and side porches and a corrugated metal roof. The side and porch windows have simple pointed arches.

**What is Significant?**

*The former Methodist Church is significant.*

*The architectural features associated with early 20th century ecclesiastic building.*

**How is it Significant?**

*The former Methodist Church is of local historic, social and aesthetic cultural heritage significance to the City of Greater Shepparton.*

**Why is it Significant?**

*It is of historic and aesthetic significance for its association with the establishment of Methodism in Orrvale. It provides tangible physical evidence of local Methodist community's commitment to its religion. HERCON criterion A*

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*It is of aesthetic significance for its early 20th century ecclesiastic architecture. The later additions such as the entry porch and the vestry enlargement are also of significance.* HERCON criterion D

### **Submission**

1. The respondent is concerned about the extent of controls and this includes:
  - Tree controls
  - Internal Controls
  - External Paint controls
  - Prohibited Uses may be permitted
  
2. The second church was re-located to the site and is not significant to the site.

### **Response to Submission**

#### **Tree Controls**

{356} Tree controls have been applied only to 'mature trees' and where the trees contribute to the aesthetic significance of the place. A 'mature tree' is any tree greater than 5 metres in height; or greater than 2 metres in circumference measured at 1.4 metres above ground level.

{357} A planning permit is not required for routine works and gardening. A planning permit would also not be required:

- To undertake any action which is necessary to keep the whole or any part of a tree clear of an electric line provided the action is carried out in accordance with a code of practice prepared under Section 86 of the *Electricity Safety Act 1998*.
- If the tree presents an immediate risk of personal injury or damage to property.

#### **Paint Controls**

{358} Paint controls have been applied to guide the choice of future colour schemes for buildings that have been identified as having a strong aesthetic significance. The primary purpose of paint controls is to ensure that any future colour scheme is sympathetic to the cultural values. Inappropriate colour schemes can have a detrimental impact on the aesthetic qualities of a place. There are many different colour schemes that can be used in this context. If the place owner or manager wishes to paint an external surface with the same colour a planning permit will not be required.

#### **Internal Alteration Controls**

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{359] It is proposed to make post exhibition changes and to remove Internal Alteration Controls from HO342. The interior has been extensively altered and modified, and little original fabric remains.

### **Prohibited Uses**

{360] The prohibited use column in the schedule has been activated for a number of places. This has been done to assist with the continued use of the heritage place. A continued use of any place is the best measure for the continued maintenance and conservation of a heritage place.

### **Cultural Significance of the second church**

{361] The second church was relocated to this site from Shepparton. It does not have any intrinsic significance to the site and it will no longer be included in any Post Exhibition changes.

### **Conclusions and Recommendations**

{362] A change to the Schedule to the Heritage Overlay is required in response to this submission to remove internal alterations controls.

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**Submission 27**

**HO174** 134 Nixon Street Shepparton



134 Nixon Street Shepparton

**Description**

{363} 134 Nixon Street has been designed in the Bungalow style. It is a single-storey double-fronted house with an asymmetrical facade and front verandah.

{364} It is a timber weatherboard house with paired timber framed windows. The roof is a low pitched galvanised metal roof. The gable has a timber strapping to the infill.

{365} The garden setting is a significant contribution to the landscape character of the precinct.

**What is significant?**

*134 Nixon Street, Shepparton.*

**How is it significant?**

*134 Nixon Street contributes to the local historic, social and aesthetic significance of the City of Greater Shepparton.*

**Why is it significant?**

*134 Nixon Street is of historic and social significance as it provides tangible evidence as to the character of residential settlement in Shepparton during the early 20th century. Nixon Street became established as a residential street during this period.*

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*For Shepparton, the early 20th century and in particular the 1920s was a period that was marked by growth.*

[HERCON Criteria A & G]

*It is of architectural significance as it provides a representative example of an Interwar timber bungalow.*

*134 Nixon Street contributes to the group of houses in Nixon Street that illustrate the diversity and variation of development in Nixon Street during its consolidation as a residential street.*

*This includes the setting of the houses and the variations of the architectural expression. The period of development that is represented by this group was a time of change for Shepparton. The group of houses includes: 132, 134, 138-140, 142, 144, 150 and 156 Nixon Street Shepparton. [HERCON Criterion D*

### **Submission**

1. It is not a residential property any longer it is a commercial property Heritage restrictions have restricted sale and /or further development.
2. The property is devalued because of the Heritage Overlay.
3. What are the changes proposed by Amendment C205 i.e. changes to local policy and paint controls
4. Why has 134 Nixon Street been re-classified as a property of individual significance.
5. Why was 134 Nixon Street identified and not others that looked similar to this property.

### **Response to the Submission**

#### **Adaptive Re-use**

{366] The adaptive re-use of this building has not diminished any understanding or appreciation of the residential characteristics associated with the former residential building and/or its capacity to contribute to the cultural heritage significance of HO174.

#### **Development**

{367] The Heritage Overlay is not applied to restrict development. The purpose of heritage controls is to ensure that any proposed changes to the built fabric and/or setting of the heritage place do not negatively impact the significance of the place. In some cases the Heritage Overlay might restrict elements of redevelopment proposal but rarely does it exclude any development or change.

{368] There are a number of planning permit exemptions that currently apply to land owners and a number of proposed exemptions that would apply as part of the

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Amendment. These are proposed as part of the *Greater Shepparton Heritage Incorporated Document, 2019* (GSHIP).

### **Financial Impact**

{369} Property values are usually not relevant to the assessment of a place under the Heritage Overlay. Devaluation of a property's market value due to the application of the Heritage Overlay is a contentious issue and it is difficult to properly determine negative or positive financial impacts on an individual scale.

{370} In 2001, Heritage Victoria reviewed a number of studies on the effect the Heritage Overlay has on property values. This report found that, generally speaking heritage controls do not affect property values of residential buildings and particularly not for buildings in heritage precincts.

{371} More information on this can be found here: <https://www.whittlesea.vic.gov.au/media/1758/city-of-whittlesea-heritage-study-impact-of-the-heritage-overlay-on-housing-prices.pdf>. [Source for this is the Council Part A Submission by Greater Shepparton City, Amendment C205 to the Greater Shepparton Planning Scheme]

### **Changes to Heritage Policy**

{372} The changes to controls and Local Policy as part Amendment C205 are intended to assist in the preservation of the cultural values.

### **Paint Controls**

{373} Paint controls have been applied to guide the choice of future colour schemes for buildings that have been identified as having a strong aesthetic significance. The primary purpose of paint controls is to ensure that any future colour scheme is sympathetic to the cultural values. Inappropriate colour schemes can have a detrimental impact on the aesthetic qualities of a place. There are many different colour schemes that can be used in this context. If the place owner or manager wishes to paint an external surface with the same colour, a planning permit will not be required.

### **Tree Controls**

{374} Tree controls have been applied only to 'mature trees' and where the trees contribute to the aesthetic significance of the place. A 'mature tree' is any tree greater than 5 metres in height; or greater than 2 metres in circumference measured at 1.4 metres above ground level.

{375} A planning permit is not required for routine works and gardening. A planning permit would also not be required:

- To undertake any action which is necessary to keep the whole or any part of a tree clear of an electric line provided the action is carried out in accordance

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with a code of practice prepared under Section 86 of the *Electricity Safety Act 1998*.

- If the tree presents an immediate risk of personal injury or damage to property.

### **Individual Significance**

{376] The status of the place is unchanged. It is of Individual significance and it contributes to a group of places.

### **Comparative Analysis**

{377] A comparative analysis of Nixon Street was undertaken, noting that there is a tight geographical area for the formation of a group of places. This was supported by the Independent Planning Panel for Amendment C110 to the Planning Scheme.

### **Conclusions and Recommendations**

{378] No change to the Schedule to the Heritage Overlay is required in response to this submission.

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## Submission 28

### Objection to Amendment C205

- {379] Non-contributory buildings should not be included in heritage controls as the controls are too restrictive.
- {380] The assessment of planning permits for buildings and works triggered by the Heritage Overlay is inconsistent.

### Response to Submission

- {381] There is strategic justification for the protection of places of cultural heritage significance under Section 12(2) of the *Planning and Environment Act*. The Heritage Overlay is the most appropriate planning tool in Victoria to identify and conserve places of local heritage significance. The Heritage Overlay provides the mechanism for the planning authority to guide all future development proposals. The objective is to: *'conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value'*.

### Non-contributory buildings

- {382] Places that are assessed as being non-contributory have different controls to those that are assessed as being contributory.
- {383] The removal or altering of non-contributory elements within a precinct is generally supported. However, a redevelopment of a non-contributory place does need to respect and reflect the character and appearance of places in the precinct.

### Inconsistent Planning Decisions

- {384] Decisions made on Planning Permit applications are assessed against Clause 43.01 Heritage Overlay and Clause 21.05-4 Cultural Heritage. These policies are clear and provide for a consistent approach to the management of change in the Heritage Overlay.

### Conclusions and Recommendations

- {385] No change to the Schedule to the Heritage Overlay is required in response to this submission.

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**Submission 29**

**HO276** 90 Watt Road, KIALLA

{386] This submission is addressed at Page 134, Submissions 13, 14a, 14b, 15, 17, 18, 19, 29 and 38

**Submission 30**

**HO286** 725 Byrneside-Kyabram Road, MERRIGUM



*Mud brick (adobe) cool store*



*Mud brick (adobe) house*

**Description**

{387} House: A gabled mud brick house which is now subsumed on the south and west by later brick additions, leaving two faces exposed. The mud brick has been rendered with a roughcast stucco or similar. A box-like bay window projects under the verandah on the east face. Original verandah posts have been replaced with wrought iron pillars. Two small gabled ventilators project on the north side of the roof.

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{388] Coolstore: A long mud brick building, now the south-eastern part of a substantial later cool store and packing shed complex. It appears that the mud bricks, the faces of which measure roughly 1 foot 6 inches [457mm] by 6 inches [152mm], have been coated with a cow manure mixture and then finished with a layer of another material, now degrading. Iron roofing dates to the extensive additions. Remnants of what appears to be a metal cooling system remain in the roof. The cool store is divided into three rooms, the entrances finished with regular bricks. All walls are approximately three feet [914mm] thick

### **What is Significant?**

*The house known as Greenwood's mud brick house and the mud brick coolstore. The Canary Island palms (*Phoenix canariensis*) are of significance.*

### **How is it Significant?**

*The house known as Greenwood's mud brick house is of local historic, technical and aesthetic cultural heritage significance to the City of Greater Shepparton.*

*The mud brick coolstore is of local historic and technical cultural heritage significance to the City of Greater Shepparton.*

### **Why is it Significant?**

*Greenwood's mud brick house and coolstore are of historic and technical significance. The homestead was built in 1908 from bricks made on the site.*

*The mud brick structures demonstrate a resourcefulness that was not evident elsewhere in the region and as such they are a rare exemplar of this type of vernacular construction. The homestead is one of a very small number of domestic mud brick buildings from this period in the municipality. The cool store was built in 1947 and demonstrates the difficulty of sourcing building materials during the immediate post war period when building materials were rationed. HERCON Criteria A & B*

### **Submission**

1. A reduction to the extent of the mapped area shown for HO286 to include only the structures that contribute to the heritage significance of the place, as identified in the relevant statement of significance.
2. Tree controls be revoked within HO286 where the heritage significance of the Canary Island date palms (*Phoenix canariensis*) has not been substantiated in the relevant statement of significance.
3. External paint controls be revoked where paint colours have not been identified as contributory to the heritage significance of the place, and where the permit requirements of Clause 43.01-1 are sufficient such that the painting of unpainted surfaces is already controlled.

## **Response to Submission**

### **Reduction of curtilage**

{389] The reduction of the curtilage to the extent shown in the submission could allow development that would diminish the cultural significance of the place. The retraction of a small extent of Heritage Overlay from the orchard to the rear is supported.

### **Tree Controls**

{390] Tree controls have been applied only to 'mature trees' and where the trees contribute to the aesthetic significance of the place. A 'mature tree' is any tree greater than 5 metres in height; or greater than 2 metres in circumference measured at 1.4 metres above ground level.

{391] A planning permit is not required for routine works and gardening. A planning permit would also not be required:

- to undertake any action which is necessary to keep the whole or any part of a tree clear of an electric line provided the action is carried out in accordance with a code of practice prepared under Section 86 of the *Electricity Safety Act 1998*.
- if the tree presents an immediate risk of personal injury or damage to property.

{392] At a site meeting there was an agreement that the tree controls could stay as proposed.

### **Paint Controls**

{393] Paint controls have been applied to guide the choice of future colour schemes for buildings that have been identified as having a strong aesthetic significance. The primary purpose of paint controls is to ensure that any future colour scheme is sympathetic to the cultural values. Inappropriate colour schemes can have a detrimental impact on the aesthetic qualities of a place. There are many different colour schemes that can be used in this context. If the place owner or manager wishes to paint an external surface with the same colour a planning permit will not be required.

### **Conclusions and Recommendations**

{394] No change to the Schedule to the Heritage Overlay is required in response to this submission.

**Submission 31**

**HO263** 65 Doyles road, GRAHAMVALE



65 Doyles Road, GRAHAMVALE

**Description**

{395] The Graham family house demonstrates many of the characteristics of regional housing from the early 20th century. It also is similar in scale and style to a number of houses that were constructed by the State Rivers and Water Supply Commission, although it is not a State Rivers and Water Supply house.

{396] It is a timber house clad with weatherboards. It has a corrugated metal hipped and gable roof (Colorbond replacement) with gablets. The brick chimney has a corbelled finish.

{397] The front facade is asymmetrical with a projecting gable front and recessed section with bullnose verandah. The projecting front has scalloped boards to the gable with timber brackets. There is a pair of timber sash windows with timber hoods. The recessed section has a front door with side and high lights. It is flanked on one side by a timber-framed sash window.

**What is Significant?**

*The house at 65 Doyles Road, Grahamvale.*

**How is it Significant?**

*It is of local historic and aesthetic cultural heritage significance to the City of Greater Shepparton.*

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**Why is it Significant?**

*It is of historic significance for its association with the agricultural development of Grahamvale. It is of historic significance for its association with Closer Settlement.*  
HERCON criterion A

*It is of aesthetic significance as a good regional representative example of an Inter War house.* HERCON criterion D

**SUBMISSION**

{398] The respondent states that the place lacks significance as the house was transferred to this site in 1971 and therefore does not provide a representative example of the values stated in the citation.

{399] This has been confirmed and it is recommended that the place be removed from Amendment C205.

**Conclusions and Recommendations**

{400] Changes are required to the amendment documentation to remove HO263 in response to this submission.

**Submission 32**

**HO364** 31 Welsford Street SHEPPARTON



31 Welsford Street SHEPPARTON

**Description**

{401} 31 Welsford Street is a good regional representative example of Federation period bungalow style. The porch is distinctive with its concave brick balustrade with contrasting rendered section on the posts. The fine timber fretwork is also notable. The integrity of the place, and this includes the house, garden setting and the low front fence, contributes to the aesthetic significance.

**What is significant?**

*31 Welsford Street Shepparton, and this includes the garden setting and open wire fence, is significant.*

**How is it significant?**

*31 Welsford Street is of local historic and aesthetic significance to the City of Greater Shepparton.*

**Why is it significant?**

*31 Welsford Street is of historic and social significance as it demonstrates the character of residential expansion to the immediate north of the central business area during the Interwar period. There was an increasing demand for residential land from the 1900s and in particular during the 1920s. The economic prosperity which drove this expansion is linked to the increasing success and sustainability of irrigation, dairying and farming. HERCON criteria A & G*

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*It is of architectural significance as it is a good regional representative example of Federation period bungalow style. The porch is distinctive with its concave brick balustrade with contrasting rendered section on the posts. The fine timber fretwork is also notable. The integrity of the place, and this includes the house, garden setting and the low front fence, contributes to the aesthetic significance.* HERCON criterion D

## **SUBMISSION**

1. The zoning of the place supports new development.
2. If the Heritage Overlay is applied the place will lose context through loss of scale.
3. The area is busy and is not appropriate for residential use.
4. The condition of the building is compromised through cracking to the brick work. This occurred after recent road works.

## **Response to the Submission**

### **Cultural Significance**

{402} Council is obliged to conserve places of local cultural heritage significance under Section 12(2) of the Act which requires planning authorities to implement the objectives of the Act. Section 4(1)(d) of the Act is '*to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value*'.

### **Zone**

{403} The zone allows for the building to be used as a dwelling.

### **Change of context**

{404} The changing scale of the surrounding buildings will not compromise or diminish the Individual significance of this building.

### **Use**

{405} The Zone allows for a number of uses and this includes residential.

### **Condition**

{406} The condition of a building is not something that can be considered at this stage and can only be assessed during the consideration of a building or planning permit.

### **Conclusions and Recommendations**

{407} No change to the Schedule to the Heritage Overlay is required in response to this submission.

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### Submission 33

HO218 201 Hogan Street Tatura



201 Hogan Street Tatura

#### Description

{408} The shop is a timber framed structure with a large single gable roof clad with corrugated metal sheeting. The external walls are clad with weatherboards and a section of the front facade has vertical timber cladding. There is a large shop front window and the central entry is recessed and splayed. The verandah has a straight profile and there are timber verandah posts.

{409} The facade appears to have been modified with the corresponding [eastern] shop window replaced by a later and smaller shop window and vertical timber cladding.

#### Submission

{410} That the Heritage Overlay be removed because the condition of the building is very poor. The structure is compromised through severe termite activity.

#### Response to the Submission

{411} The place was inspected by the Building Surveyor and the condition of the building was confirmed. The building was assessed as unsafe and would require substantial amount of reconstruction and this included the replacement of the framing. A planning permit was issued to support demolition.

#### Conclusions and Recommendations

{412} A change to the Schedule to the Heritage Overlay is required to remove HO218 from the land in response to this submission.

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### **Submission 34**

**HO385** 730 Dhurringile Road and 1340 Murchison-Tatura Road, TATURA

#### **Description**

{413] The homestead is a fine example from the Federation/Edwardian period. This includes the face brickwork, the verandah and the steeply pitched roof.

#### **Submission**

1. The proposed Amendment C205 does not sufficiently justify the inclusion of the land within the Heritage Overlay.
2. The Amendment documentation does not substantiate that the land is of historic, aesthetic or cultural significance.
3. There is insufficient history to justify the historical significance.
4. The description does not justify the aesthetic significance.
5. The building is in poor condition and is not habitable.
6. There is no public access.

#### **Response to Submission**

##### **Cultural Significance**

{414] There is strategic justification for the protection of places of cultural heritage significance under Section 12(2) of the *Planning and Environment Act*. The Heritage Overlay is the most appropriate planning tool in Victoria to identify and conserve places of local heritage significance. The Heritage Overlay provides the mechanism for the planning authority to guide all future development proposals. The objective is to: '*conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value*'.

{415] The methodology for HSIIC was prepared with regard to relevant Independent Panel reports, the *Australia ICOMOS Charter for Places of Cultural Heritage Significance, The Burra Charter, 2013* (Burra Charter) and its guidelines, and the '*Planning Practice Note 1: Applying the Heritage Overlay*' (2015). Consideration was also given to Heritage Victoria's 'Model Consultants' Brief for Heritage Studies' (2010).

{416] The homestead at 730 Dhurringile Road and 1340 Murchison-Tatura Road, Tatura is representative of the period. It provides tangible physical evidence of a turn of the century homestead. Its architectural features and decorative elements are representative of this style.

{417] As part of the brief for the HSIIC (and with regard to the historic themes found in the Thematic Environmental History) each area (district) was considered to have its own particular historical development. This meant that it was important to identify principal buildings from each area, even if there were similar places in other districts.

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This is supported in principle by the following recommendations from the Advisory Committee Report :

- {418] We are of the view that thresholds have the greatest potential to vary from place to place as they will respond to the particular history and cultural fabric of the area under study...
- {419] Essentially a 'threshold' is the level of cultural significance that a place must have before it can be recommended for inclusion in the planning scheme. The question to be answered is 'Is the place of sufficient import that its cultural values should be recognised in the planning scheme and taken into account in decision-making?' Thresholds are necessary to enable a smaller group of places with special architectural values, for example, to be selected out for listing from a group of perhaps hundreds of places with similar architectural values...
- {420] Factors determining thresholds ... will include such things as intactness, age, rarity, and design or aesthetic quality.
- {421] We are of the view that thresholds have the greatest potential to vary from place to place as they will respond to the particular history and cultural fabric of the area under study. As we have commented, we see the development of thresholds as something which responds to the particular characteristics of the area under investigation and its heritage resources. Nevertheless the types of factors that might be deployed to establish local thresholds can be specified State-wide. They would include rarity in the local context, condition/degree of intactness, age, design quality/aesthetic value, their importance to the development sequence documented in the thematic environmental history. P 2-41 Review Of Heritage Provisions In Planning Schemes, Advisory Committee Report, August 2007

### **Condition**

- {422] The condition of a building is not something that can be considered at this stage and can only be assessed during the consideration of a building or planning permit.

### **Public Access**

- {423] Public access is not a requirement of the Heritage Overlay.

### **Conclusions and Recommendations**

- {424] No change is required to Schedule to the Heritage Overlay in response to this submission.

**Submission 35**

**HO310** 209-231 McLennan Street MOORoopNA



209-231 McLennan Street MOORoopNA

**Description**

{425] The Turkish Mosque is a striking feature in the Mooroopna urban landscape. The fine white face brickwork and the 18 metre high minaret contribute to the architectural styling. The building has a number of openings on the ground floor and this includes a large entrance.

{426] The Imam's house is a white brick house that demonstrates architectural characteristics typical of the period. This includes the a-symmetrical design with a pitched roof.

**Exhibited statement of significance**

{427] The following statement of significance is taken from the heritage citation as proposed for Amendment C205.

**What is Significant?**

*The Turkish Mosque at 209-231 McLennan Street, Mooroopna is significant.*

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*This includes all features associated with its architectural expression, such as the fine white brickwork, the pattern of openings and the minaret.*

### **How is it Significant?**

*The Turkish Mosque is of historic, social and aesthetic significance to the State of Victoria. It is of local historic, social and aesthetic cultural heritage significance to the City of Greater Shepparton.*

### **Why is it Significant?**

*The Mosque is of historic and social significance for its association with successive migrations of Turkish migrants to the region. This group of migrants has made a notable contribution to the cultural life of the district. HERCON criteria A & G*

*The mosque is of aesthetic significance for its architectural expression. The aesthetic character of the building is defined by its white face brick construction, the pattern of openings and the striking 18 metre minaret. HERCON criterion E*

### **Submission**

1. The listing of the place of worship would have a long term negative impact on the community. The place of worship is run by volunteers and this will increase the additional administrative duties. This type of burden will mean that fewer in the community will volunteer.
2. The community is growing and it is anticipated that a new facility will be required. This will mean the potential demolition of the place of worship or extensive upgrades.
3. A heritage listing would require additional upkeep and maintenance costs.
4. Future changes to the site would require additional permits and this will be a hurdle for the community.
5. The age of the building does not warrant its heritage listing.

### **Response to the submission**

#### **Cultural Significance**

{428] There is strategic justification for the protection of places of cultural heritage significance under Section 12(2) of the *Planning and Environment Act*. The Heritage Overlay is the most appropriate planning tool in Victoria to identify and conserve places of local heritage significance. The Heritage Overlay provides the mechanism for the planning authority to guide all future development proposals. The objective is to: *'conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value'*.

#### **Modifications**

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- {429] Change to significant places can be supported as long as the changes do not diminish the values to such an extent that the cultural values are no longer extant.

### **Costs Associated with repairs and maintenance**

- {430] The Heritage Overlay does not require land owners to return the property to any previous appearance that the building had in the past. Maintenance and routine repairs do not require a planning permit. Repairs and maintenance of a place should not cost more than the same type of repairs for houses not included in the Heritage Overlay.

- {431] Council recognises that it can be difficult for owners to maintain their buildings. On this basis Council has supported an annual heritage grant program to assist owners in undertaking conservation works.

### **Additional Permit Requirements**

- {432] The free Heritage Advisory Service will provide assistance and guidance for any future works.

### **Age and Cultural Significance**

- {433] The age of a place is not a determining factor when assessing a place.
- {434] There is strategic justification for the protection of places of cultural heritage significance under Section 12(2) of the *Planning and Environment Act*. The Heritage Overlay is the most appropriate planning tool in Victoria to identify and conserve places of local heritage significance. The Heritage Overlay provides the mechanism for the planning authority to guide all future development proposals. The objective is to: *'conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value'*.
- {435] The methodology for Shepparton Heritage Study IIC was prepared with regard to relevant Independent Panel reports, the *Australia ICOMOS Charter for Places of Cultural Heritage Significance, The Burra Charter, 2013* (Burra Charter) and its guidelines, and the *'Planning Practice Note 1: Applying the Heritage Overlay'* (2015). Consideration was also given to Heritage Victoria's *'Model Consultants' Brief for Heritage Studies'* (2010).
- {436] The following recommendations from the Advisory Committee Report also provide guidance for the assessment of cultural significance:
- {437] We are of the view that thresholds have the greatest potential to vary from place to place as they will respond to the particular history and cultural fabric of the area under study...

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- {438] Essentially a 'threshold' is the level of cultural significance that a place must have before it can be recommended for inclusion in the planning scheme. The question to be answered is 'Is the place of sufficient import that its cultural values should be recognised in the planning scheme and taken into account in decision-making?' Thresholds are necessary to enable a smaller group of places with special architectural values, for example, to be selected out for listing from a group of perhaps hundreds of places with similar architectural values...
- {439] Factors determining thresholds ... will include such things as intactness, age, rarity, and design or aesthetic quality.
- {440] We are of the view that thresholds have the greatest potential to vary from place to place as they will respond to the particular history and cultural fabric of the area under study. As we have commented, we see the development of thresholds as something which responds to the particular characteristics of the area under investigation and its heritage resources. Nevertheless the types of factors that might be deployed to establish local thresholds can be specified State-wide. They would include rarity in the local context, condition/degree of intactness, age, design quality/aesthetic value, their importance to the development sequence documented in the thematic environmental history. P 2-41 Review Of Heritage Provisions In Planning Schemes, Advisory Committee Report, August 2007
- {441] The Turkish Mosque has been included in the Amendment for its cultural values. The Mosque is of historic and social significance for its association with successive migrations of Turkish migrants to the region. This group of migrants has made a notable contribution to the cultural life of the district. HERCON criteria A & G
- {442] The mosque is of aesthetic significance for its architectural expression. The aesthetic character of the building is defined by its white face brick construction, the pattern of openings and the striking 18 metre minaret. HERCON criterion E

### **Conclusions and Recommendations**

- {443] No change is required to the Schedule to the Heritage Overlay in response to this submission.

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## Submission 36

### Planning Scheme Amendment C205

#### Submission - request for changes to the documentation

1. The 'Former Commonwealth Bank Building Address 97-99 Waverley Avenue MERRIGUM' is incorrect. It should state the *Former Commercial Banking Company of Sydney Limited*.
2. 50 Merrigum-Ardmona Road, Merrigum –  
Stable 1 was demolished a decade or more ago, and possibly the barn and Stable 1 also no longer exist.
3. St Matthew's Anglican Church Address 115 Waverley Avenue Merrigum.  
When this building was at Henley it was an Anglican Church, not a Catholic Church. There is a missing apostrophe in the name of the church.
4. 5855 Midland Highway TATURA (Moyola):  
Norma Sutherland of Dookie, (who has a family connection to the property) stated that in 1949 they changed the name to Moyola Park, as the surviving member of the Love family wanted to retain the name Moyola. This needs to be recorded in the citation.
5. 8 River Road Murchison there is additional history that has not been recorded in the citation.
6. The formatting of the citations is poor.
7. There are a number of grammar and typos corrections to be made.
8. Support for Amendment C205.

#### Response to Submission

{444} Changes 1-5 are supported and have been made to the citations.

#### Conclusions and Recommendations

{445} Changes have been made to the relevant citations.

{446} A number of changes are required to the Draft Study and the amendment documentation in response to this submission.

**Submission 37**

**HO368 703 Midland Highway, Shepparton East**



Former Shepparton East Hall 703 Midland Highway, Shepparton East

**Description**

{447} Shepparton East Hall is a large rectangular concrete block hall built in three stages. The front section was built in 1922 and the rear extension in 1956. A much later flat roofed block construction serves as the foyer/entrance area.

{448} The hall is constructed from concrete blocks and it has concrete buttresses to the front section of the hall.

{449} The roof is clad with short sheets of corrugated galvanised metal and the front half of the roof has ventilators on either side of the ridge line. The timber barge boards to the gable front are scalloped. The gable front is clad with cement sheeting and battens. The later front entrance to the hall is constructed from concrete blocks with aluminium plate glass windows and doors to the entrance and a deep metal fascia. The area to the perimeter of the Hall has been asphalted.

**What is Significant?**

*The Shepparton East Hall at 703 Benalla Road (Midland Highway), Shepparton East.*

**How is it Significant?**

*The Shepparton East Hall is of local historic, social and aesthetic cultural heritage significance to the City of Greater Shepparton.*

**Why is it Significant?**

*The Shepparton East Hall is of local historic and social significance for its association with intensification of settlement brought about by Closer and Soldier Settlement at the beginning of the 20th century.*

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*The hall is of historic and social significance as it was constructed by voluntary labour in 1922 and was the focus of community life and entertainment. HERCON criteria A & G.*

*It is of aesthetic significance for its simple utilitarian architecture, its community design and its construction from bricks that were made from the local sand from the Broken River. HERCON criterion D*

### **Submission**

1. The place does not have social significance as when the facility was sold there was no community objection or any from Council.
2. The integrity of the building has been compromised by modifications, and this includes the construction of new openings.
3. Objects to paint controls and internal controls.
4. Objects to internal controls because of the extent of change.
5. The building cannot comply with current Building Regulations.

### **Cultural Significance**

{450] There is strategic justification for the protection of places of cultural heritage significance under Section 12(2) of the *Planning and Environment Act*. The Heritage Overlay is the most appropriate planning tool in Victoria to identify and conserve places of local heritage significance. The Heritage Overlay provides the mechanism for the planning authority to guide all future development proposals. The objective is to: *'conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value'*.

{451] The methodology for Shepparton Heritage Study IIC was prepared with regard to relevant Independent Panel reports, the *Australia ICOMOS Charter for Places of Cultural Heritage Significance, The Burra Charter, 2013* (Burra Charter) and its guidelines, and the *'Planning Practice Note 1: Applying the Heritage Overlay'* (2015). Consideration was also given to Heritage Victoria's *'Model Consultants' Brief for Heritage Studies'* (2010).

{452] The following recommendations from the Advisory Committee Report also provide guidance for the assessment of cultural significance:

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- {453] We are of the view that thresholds have the greatest potential to vary from place to place as they will respond to the particular history and cultural fabric of the area under study...
- {454] Essentially a 'threshold' is the level of cultural significance that a place must have before it can be recommended for inclusion in the planning scheme. The question to be answered is 'Is the place of sufficient import that its cultural values should be recognised in the planning scheme and taken into account in decision-making?' Thresholds are necessary to enable a smaller group of places with special architectural values, for example, to be selected out for listing from a group of perhaps hundreds of places with similar architectural values...
- {455] Factors determining thresholds ... will include such things as intactness, age, rarity, and design or aesthetic quality.
- {456] We are of the view that thresholds have the greatest potential to vary from place to place as they will respond to the particular history and cultural fabric of the area under study. As we have commented, we see the development of thresholds as something which responds to the particular characteristics of the area under investigation and its heritage resources. Nevertheless the types of factors that might be deployed to establish local thresholds can be specified State-wide. They would include rarity in the local context, condition/degree of intactness, age, design quality/aesthetic value, their importance to the development sequence documented in the thematic environmental history. P 2-41 Review Of Heritage Provisions In Planning Schemes, Advisory Committee Report, August 2007
- {457] The Shepparton East Hall is of significance. This area of Shepparton was the focus of Closer Settlement policies during the early 20<sup>th</sup> century. These policies had a significant impact on the development of Shepparton. The impact is noted in the Thematic Environmental History.
- {458] The integrity and intactness of the building has been compromised but there is still sufficient fabric for the structure, the design and the scale of the building to be appreciated for its cultural values.

### **Paint Controls**

- {459] Paint controls have been applied to guide the choice of future colour schemes for buildings that have been identified as having a strong aesthetic significance. The primary purpose of paint controls is to ensure that any future colour scheme is sympathetic to the cultural values. Inappropriate colour schemes can have a detrimental impact on the aesthetic qualities of a place. There are many different colour schemes that can be used in this context. If the place owner or manager

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wishes to paint an external surface with the same colour a planning permit will not be required.

### **Internal Controls**

{460} These have been applied. However, after a site visit it is apparent that they are not appropriate as the interior has been compromised. It is recommended that these are removed as part of the post exhibition changes.

### **Non-compliant in terms of Building Regulations**

{461} This is not a consideration when considering the application of the Heritage Overlay.

### **Conclusions and Recommendations**

{462} Changes have been made to the relevant citation.

{463} A change is required to the Schedule to the Heritage Overlay to remove internal alterations controls from HO368 in response to this submission.

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**Submission 38**

**HO276** 196 Riverview Drive, KIALLA

{464] This submission is addressed at Page 134, Submissions 13, 14a, 14b, 15, 17, 18, 19, 29 and 38

**Submission 39**

**HO260** 75 Quarry-Dookie Road, DOOKIE



75 Quarry-Dookie Road, DOOKIE

**Description**

{465] Magennis cottage has been built from local stone. The walls are approximately 23 cm thick. The cottage sits behind a 20th century brick veneer house.

**Statement of Significance**

**What is Significant?**

*The stone house at the rear of the mid-20th century house at 75 Quarry-Dookie Road Dookie. The mid-20th century house is not significant.*

**How is it Significant?**

*The stone house is of local historic, technical and aesthetic cultural heritage significance to the City of Greater Shepparton.*

**Why is it Significant?**

*The vernacular stone cottage is of historic significance. It provides tangible physical evidence of the early Land Selection era. It is one of the oldest surviving cottages in the region. It is of historic significance for its use of stone as the building material. In this region 19th century housing tended to be constructed from brick or timber. The use of stone potentially recognises the Northern Ireland origin of the settlers. HERCON criterion A*

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*It is of technical significance for the techniques used in its construction. HERCON criterion F*

*It is of aesthetic significance for its vernacular qualities. This includes the qualities of the stone - the typical character and colouration for the area. The scale of the building and its proportions contribute to its aesthetic significance. HERCON criterion D*

*It is a rare surviving example from the 1860s and of its type of construction. HERCON criterion B*

### **Submission**

1. Objects to Amendment C205.
2. The respondent states that the vernacular stone cottage that was proposed for inclusion in the Heritage Overlay has been demolished.

### **Response to Submission**

#### **Amendment C205**

{466] There is strategic justification for the protection of places of cultural heritage significance under Section 12(2) of the *Planning and Environment Act*. The Heritage Overlay is the most appropriate planning tool in Victoria to identify and conserve places of local heritage significance. The Heritage Overlay provides the mechanism for the planning authority to guide all future development proposals. The objective is to: *'conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value'*.

#### **Removal of the Heritage Overlay**

{467] As there is no longer any significant structures on the site the removal of the Heritage Overlay is warranted.

#### **Conclusions and Recommendations**

{468] A change is required to remove HO260 from the Schedule to the Heritage Overlay in response to this submission.

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**Submission 40**  
**Planning Scheme Amendment C205**

**Response to Submission**

{469] The respondent understands that no new recommendations of the Draft Study relate to any land or assets in which G-MW has an interest and no further controls are imposed on land or assets that have previously been identified in previous heritage studies.

{470] Based on the information provided, G-MW has no objection to Amendment C205.

**Conclusions and Recommendations**

{471] No change required to the Schedule to the Heritage Overlay in response to this submission.

**Submission 41**

**HO124** 575 Toolamba-Rushworth Road, TOOLAMBA WEST



575 Toolamba-Rushworth Road, TOOLAMBA WEST

**Description**

{472} The Uniting Church, Toolamba, is a single storey, red face-brick building on an 'L' shaped plan. It comprises a projecting entry porch, nave and Sunday school to the rear, each with a parapeted gabled roof clad in corrugated galvanised steel. The parapets have rendered copings and are corbelled at the eaves level. The gable end to the nave contains a circular window with a rendered surround and leadlight glazing. The nave walls are buttressed and contain regular fenestration of lancet windows with leadlight glazing and rendered hood mouldings. Windows are fitted externally with wire mesh security screens.

{473} The Sunday school is similarly detailed to the nave and contains square headed windows with leadlight glazing on the south elevation. The western end of the school appears to have been recently reconstructed. A number of Canary Island date palms (*Phoenix canariensis*) grow along the front boundary and a modern brick toilet block is located to the rear.

**Statement of Significance**

*The Uniting Church, Toolamba West is of local historic, social and aesthetic significance. Constructed in 1923, the church has served as a centre for local Presbyterian worship and community activity for almost 80 years. Aesthetically, the building is an intact and good example of a rural brick church, of which there are numerous examples throughout the municipality.*

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*The Canary Island date palms (Phoenix canariensis) are contemporary with the church and make an important contribution to the setting. The modern toilet block is of little significance.*

### **Submission**

- {474] The Heritage Overlay is too restrictive and prevents future development of the property.
- {475] There is strategic justification for the protection of places of cultural heritage significance under Section 12(2) of the *Planning and Environment Act*. The Heritage Overlay is the most appropriate planning tool in Victoria to identify and conserve places of local heritage significance. The Heritage Overlay provides the mechanism for the planning authority to guide all future development proposals. The objective is to: *'conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value'*.
- {476] The Heritage Overlay is the most appropriate planning tool in Victoria to protect and conserve places of heritage significance by guiding future development proposals.
- {477] The Heritage Overlay seeks to ensure that alterations and additions respect the contributory elements and enhance the character of HO124.
- {478] 575 Toolamba-Rushworth Road, Toolamba West is considered to be of *"local historic, social and aesthetic significance"*.

### **Conclusions and Recommendations**

- {479] No change required to the Schedule to the Heritage Overlay in response to this submission.

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## Submission 42

HO328 Waranga Park Homestead, 5 Murchison-Tatura Road, MURCHISON



5 Murchison-Tatura Road, MURCHISON

### Description

{480} Waranga Park homestead has at its centre a typical 19th century homestead form. The main body of the house can be identified by the large hipped roof which falls in an unbroken line to form a verandah. This part of the house retains the original front door with two sash windows. A later addition, to this frontage, projects out beyond the line of the verandah and creates an asymmetry that has early 20th century antecedents. This addition is distinguished by a triple row of windows. The verandah has as an addition a pergola and this provides support for the grape vine.

{481} The house is clad with weatherboards and has a corrugated roof. There is a surviving chimney.

### Statement of Significance

#### What is Significant?

*Waranga Park at 5 Murchison-Tatura Road Murchison is significant. This includes all the architectural features associated with the style.*

#### How is it Significant?

*Waranga Park is of local historic and aesthetic cultural heritage significance to the City of Greater Shepparton.*

#### Why is it Significant?

*Waranga Park is of historic significance for its association with the Waranga pastoral run and William Gunn, a squatter and settler and his son William Gunn Jnr. A community leader from the late 19th century and into the early 20th century Gunn*

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*Jnr was instrumental in many community projects and this included setting up the initial water supply for the township of Rushworth. It was William Gunn Jnr and his brother Alexander who built Waranga Park in 1906 and in 1931 this was moved to its current location.* HERCON criterion A

*Waranga Park is of aesthetic significance for its turn of the 20th century architecture.* HERCON criterion D

### **Submission**

{482} The extent of the Heritage Overlay on the property should be retracted to only apply to 'Waranga Park Homestead'.

### **Response to the Submission**

#### **Rationalisation of the extent of the Heritage Overlay**

{483} The rationalisation of the Heritage Overlay on the property is supported. The Heritage Overlay is proposed to be retracted from the paddock to the west.

#### **Tree Controls**

{484} It is recommended that the avenue of peppercorn trees should remain within the Heritage Overlay as they contribute to the aesthetic significance of the place.

{485} Tree controls are proposed to apply to protect all 'mature trees' within the Heritage Overlay as they actively contribute to the significance of the place. A 'mature tree' is a tree that is greater than 5 metres in height; or greater than 2 metres in circumference measured at a height of 1.4 metres above ground level. Works that propose to remove, lop or destroy a 'mature tree' would trigger a planning permit. A planning permit would not be required for routine works and gardening. A planning permit would also not be required:

- to undertake any action which is necessary to keep the whole or any part of a tree clear of an electric line provided the action is carried-out in accordance with a code of practice prepared under Section 86 of the *Electricity Safety Act 1998*; and
- if the tree presents an immediate risk of personal injury or damage to property.

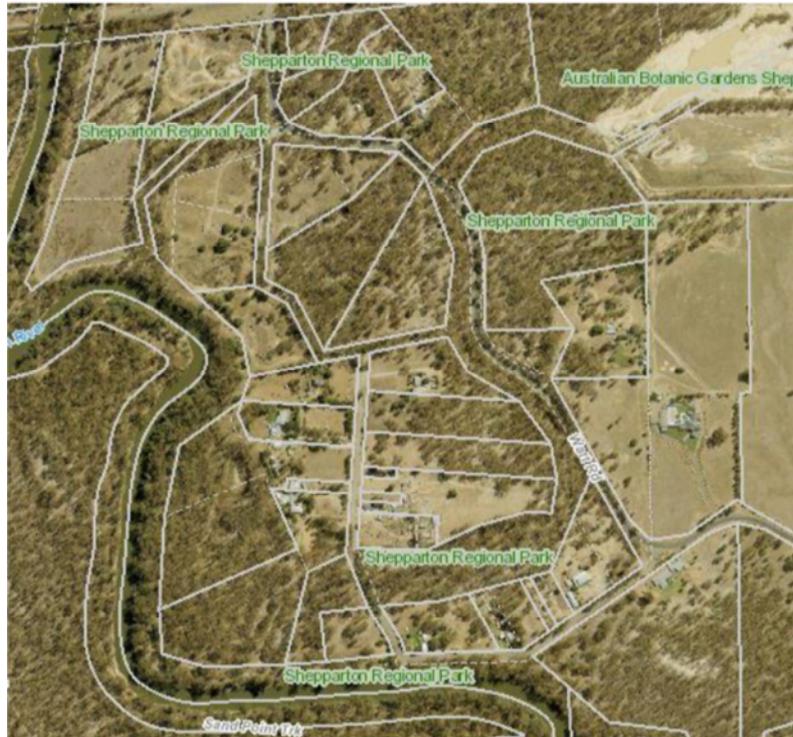
### **Conclusions and Recommendations**

{486} The citation should be revised to reflect the significance of the peppercorn trees.

{487} No change is required to the Schedule to the Heritage Overlay in response to this submission.

**Submissions 13, 14a, 14b, 15, 17, 18, 19, 29 and 38**

**HO276 The former Kialla Village Settlement**



Aerial of the extent of the former Kialla Village Settlement

**Exhibited statement of significance**

{488} The following statement of significance is taken from the heritage citation as proposed for Amendment C205.

**What is Significant?**

*The area previously known as the Kialla Village Settlement.*

**How is it Significant?**

*It is of local historic cultural heritage significance to the City of Greater Shepparton.*

**Why is it Significant?**

*It is historically significant as one of two surviving examples of a government initiative known as the Village Settlement Scheme. There were some 72 such village settlements established in Victoria from about 1893. They were set up in response to the 1890s depression.*

*The intent was to give impoverished families an opportunity to become sustainable by farming a small allotment. An area of 188 ha [470 acres] was subdivided at Kialla, creating approximately 90 blocks of various sizes with an average of 2.05 ha [5 acres].*

HERCON criteria A & B

## **Submission**

{489] The following is a summary of the nine submissions:

### **1. Rationale for applying the Heritage Overlay**

- There is no need for a Heritage Overlay.
- How did the place get identified?
- The settlement pattern is not significant.
- There are no buildings of significance remaining.
- The Heritage Overlay is of no benefit to the rate payers of Greater Shepparton.
- The area has been modernised and no longer reflects the original settlement.
- Why have heritage controls when there are other controls that will do that:
  - Floodway Overlay;
  - Bushfire Management Overlay; and
  - Environmental controls.
- What type of controls are proposed for all buildings and this includes any houses within the Heritage Overlay area. The house is not a heritage place.
- There is concern that additional heritage controls will be introduced at a later date.

### **2. Financial Disadvantage through a devaluing of their property**

### **3. Restriction development opportunities**

- The Heritage Overlay will restrict the owner's opportunities to develop the land.
- The owners of land will be financially disadvantaged by this proposal.

### **4. Incorporated Document**

- For any exemptions to be put in writing in any heritage documentation.

### **5. Changes to the extent of curtilage**

- Why has the extent of the curtilage changed from the first mapped area (2 years ago) to the current proposed Heritage Overlay area.

### **6. Inadequate consultation**

- What is Council's long term plan for the area.
- Concern that the respondents' submissions will be ignored.

### **7. Will Council rectify the damage caused by sand mining**

### **8. Community concern over the maintenance of the area**

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A respondent stated that he enjoys living in the natural environment and does not want any interference from Council. He takes care of the area around his house, mowing public areas, cleaning up the rubbish left behind by people who visit and leave their rubbish.

## 9. Request for Interpretation

{490] A number of respondents have requested better interpretation of this area.

{491] There is strong community pride in this area and respect for those who came to this area in the 19<sup>th</sup> century. Information to be included in the interpretation should include:

- Why the place was established as part of a government policy;
- A map of the area; and
- A list of the prominent people who have lived in this area.

## Response to Submissions

### Rationale for applying the Heritage Overlay

{492] There is strategic justification for the protection of places of cultural heritage significance under Section 12(2) of the *Planning and Environment Act*. The Heritage Overlay is the most appropriate planning tool in Victoria to identify and conserve places of local heritage significance. The Heritage Overlay provides the mechanism for the planning authority to guide all future development proposals. The objective is to: *'conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value'*.

{493] During the preparation of the Greater Shepparton Heritage Study Stage IIC the Shepparton Heritage Advisory Committee (HAC) recognised that there were a number of deficiencies in the places included in the Schedule to the Heritage Overlay. These gaps were: rural places (homesteads, outbuildings etc.) and a number of areas had not been adequately reviewed for places of significance. It was resolved to undertake further investigations. The committee members identified a number of places and the former Kialla Village Settlement was one of those places.

{494] The village area was researched and it was assessed as meeting the thresholds of local significance and HERCON criterion A – the place is of historic significance. A site visit revealed that there was little if any fabric that dated from the late 19<sup>th</sup> century but that the subdivision pattern and the access roads were evident and significant.

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{495] As part of the application of the Heritage Overlay it was determined that these surviving elements should be conserved. As there are no structures to be conserved an Incorporated Document has been prepared that provides an exemption from the need to seek a planning permit for any buildings and works.

{496] It is noted that there are other controls that focus on the management of this land. However, none of these controls have as their intent the management of cultural heritage. For the significance of the place to be considered as part of any proposed changes to the place the Heritage Overlay is required.

- a. Floodway Overlay
- b. Bushfire Management Overlay and
- c. Environmental controls

{497] It is considered that the Heritage Overlay is an appropriate planning tool to ensure that the subdivision pattern of the Kialla Village Settlement is protected in the future.

{498] The application of Heritage Overlay has a benefit to the wider community. The conservation of cultural places is important for many reasons. For many, the places that are conserved are places of aesthetic interest and they enrich one's environment. The historical record can be important to a community's sense of place. Places can provide a sense of achievement as they recognise how a community has progressed and changed. There are many reasons why heritage places are valued and these are not just the relatively intangible values, as there can be a demonstrable economic benefit to communities as well.

{499] Through the numerous meetings with residents in this area, there was a very strong message of community pride and this was encapsulated by one respondent who described the values and what they meant to him. This extended to cleaning up rubbish, mowing public spaces and generally acting as a custodian for this heritage place.

### **Financial Disadvantage through devaluation**

{500] Property values are usually not relevant to the assessment of a place under the Heritage Overlay. Devaluation of a property's market value due to the application of the Heritage Overlay is a contentious issue and it is difficult to properly determine negative or positive financial impacts on an individual scale.

{501] In 2001, Heritage Victoria reviewed a number of studies on the effect the Heritage Overlay has on property values. This report found that, generally speaking heritage controls do not affect property values of residential buildings and particularly not for buildings in heritage precincts. More information on this can be found here: <https://www.whittlesea.vic.gov.au/media/1758/city-of-whittlesea-heritage-study-impact-of-the-heritage-overlay-on-housing-prices.pdf>.

{502] Council officers in their Part A report, state that economic and financial impacts on individual properties are not material planning considerations and that individual interests do not always align with the interests of net community benefit. [Source for this is the Part A Submission by Greater Shepparton City Council]

### **Restriction of development opportunities**

{503] The Kialla Village Settlement Incorporated Plan provides planning permit exemptions for buildings and works within the Heritage Overlay that applies to the Kialla Village Settlement (HO276).

{504] This document does not provide planning permit exemptions from other planning scheme provisions that apply to the land. These include the provisions of the

- a. Floodway Overlay
- b. Bushfire Management Overlay and
- c. Environmental controls

### **Kialla Village Incorporated Document**

{505] The Kialla Village Settlement Incorporated Plan provides in writing a description of the planning permit exemptions for buildings and works within the Heritage Overlay that applies to the Kialla Village Settlement (HO276).

{506] This document does not provide planning permit exemptions from other planning scheme provisions that apply to the land.

### **Changes to the Extent of Curtilage**

{507] HSIIC initially only identified 230, 242, 244, 250, 253, and 254 Riverview Drive, Kialla as part of the Kialla Village Settlement and recommended the Heritage Overlay apply to protect the subdivision pattern of the land. Amendment C204 to the Planning Scheme applied an interim Heritage Overlay (HO276) to these places.

{508] During the preparation of Amendment C205 in meetings with members of the public and Council officers, Council became aware that the curtilage for the Heritage Overlay was incorrect and that the Kialla Village Settlement (Honeysuckle Park) initially included a much wider area.

{509] To rectify this, as part of Amendment C205, Council officers proposed to extend the curtilage of the Kialla Village Settlement (HO276) to ensure it is appropriately mapped.

{510] Council notified all affected land owners and occupiers within the Kialla Village Settlement as required under Section 19 of the Act. Given that HO276 is proposed to

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apply to a wider area, a number of land owners had not previously known about the Council's aspirations to apply a Heritage Overlay to their property.

{511} Council officers met with a number of land owners within the Kialla Village Settlement to discuss the Amendment and the changes proposed for their land. Council officers also stressed that, for these land owners, no controls will change on their property until the Amendment is approved by the Minister for Planning through the Amendment [Source for this is the Council Part A Submission by Greater Shepparton City, Amendment C205 to the Greater Shepparton Planning Scheme].

### **Inadequate consultation**

{512} The Act provides requirements for how amendments to a planning scheme should be undertaken. Rather than undertaking the standard four weeks required by the Act, Council resolved to exhibit the Amendment for ten weeks to ensure that adequate consultation has occurred.

{513} A list of the notices provided to relevant stakeholders as part of the exhibition process is outlined in section 2.5 of this Part A submission.

{514} Council officers acknowledge that a number of properties in the Kialla Village Settlement were not formally notified via letter as part of Amendments C204 and C216 to the Planning Scheme [Source for this is the Council Part A Submission by Greater Shepparton City, Amendment C205 to the Greater Shepparton Planning Scheme].

### **Conclusions and Recommendations**

{515} The following submissions (Points 7, 8 & 9) made by the respondents are beyond the scope of this Expert Statement:

- any future application of controls.
- any rectification programs that might be undertaken by any government agency following sand mining.
- maintenance of the area by Council.

{516} No changes to the Citation are required in response to these submissions.

{517} No change to the Schedule to the Heritage Overlay is required in response to this submission.

## 8.0 Proposed Post-Exhibition Changes

{518] In addition to the changes required as a result of submissions, the following additional changes are required.

### 8.1 Proposed post-exhibition changes to the Draft Greater Shepparton Heritage Study Stage II 2019

{519] A number of formatting, grammatical and address changes are proposed to be made to various existing citation reports accompanying the Draft Study. Any proposed change to any Statement of significance in the Draft Study will be replicated in the *Statement of Significance Incorporated Document 2019* (see Council's Part A Submission for full details).

{520] The following changes are supported and sourced from Council's Part A Submission:

1. Dookie Township Precinct (HO261): Revise the place citation report to include a physical description.
2. 400 Zeerust Road, Zeerust (Former Zeerust Uniting Church & Hall) (HO104): Amend the Statement of significance to state that the remaining toilet block is of significance. During discussions with Submitter 9, it was determined that the toilet block was constructed in a similar era as the Church building.
3. 75 Hoopers Road, Dookie (The Chateau) (HO15): Include further justification in the Statement of significance for the inclusion of the stone ha-ha in the Heritage Overlay.
4. 209-231 McLennan Street, Mooroopna (Turkish Mosque) (HO310): Amend the recommendation in the place citation report to list the Imam's House as a significant outbuilding.
5. 5 Murchison-Tatura Road, Murchison (Waranga Park Homestead) (HO328): Amend the place citation report and the Statement of significance to specify why the 'mature trees' contribute to the significance of the place and includes further information on the significant architectural features.
6. 16, 32 and 35 Young Street and 6 Doonan Street, Shepparton (Ardmona Cannery) (HO321): Amend the place citation report and the Statement of significance to further substantiate what fabric is of significance and why it is of significance.
7. Recommend that the following places be investigated as part of a future heritage study:
  - a. 161 Waverly Avenue, Merrigum ;

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- b. Northgate Street area, Mooroopna;
  - c. 179 Knight Street, Shepparton;
  - d. 209-211 Fryers Street, Shepparton; and
  - e. 4920 Goulburn Valley Highway, Murchison East.
8. Revise the place citation report for 97-99 Waverley Avenue, Merrigum (HO31) to revise the title of the place;
  9. Revise the place citation report for 50 Merrigum-Ardmona Road, Merrigum (Snelling's property) (HO144) to state that the third log building no longer remains;
  10. Revise the place citation report for 115-119 Waverley Avenue, Merrigum to revise the title for the place;
  11. Revise the place citation report for 5855 Midland Highway, Tatura (Moyola) (HO146) to revise the title for the place; and
  12. Revise the place citation report for 8 River Road, Murchison to revise the history and historical context for the place.

## 8.2 Proposed post-exhibition mapping changes

{521} A list of all proposed mapping changes are agreed to and included below:

Change	HO No. Affected	Property Address/Precinct	Submitter No.
Amend the curtilage to only apply to the Former Athenaeum Hall.  Council officers are proposing to remove the Heritage Overlay from the carpark at 4-6 Elizabeth Street, Mooroopna.	HO41	8 McLennan Street & 4-6 Elizabeth Street, Mooroopna (former Athenaeum Hall)	Nil.
Amend the exhibited extent of the Heritage Overlay to only apply to the significant fabric.	HO430 & HO431	18 & 20 Thomson Street, Tatura	Nil.
Remove the Heritage Overlay from 235 Zeerust School Road, Zeerust and apply it to 235 Zeerust Road, Zeerust.  This property was initially identified	HO405	235 Zeerust Road, Zeerust.	Nil.

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<p>as part of HSIIC. The land owner of 235 Zeerust School Road, Zeerust met with Council officers who stated that there were no historic structures on the property. Council investigated this using images on real estate websites and determined that the log structures were indeed located at 235 Zeerust Road, Zeerust and <u>not</u> 235 Zeerust School Road, Zeerust.</p> <p>Council officers notified the land owners of 235 Zeerust Road, Zeerust on 2 July 2019 stating that Council is proposing a post-exhibition change to the Amendment to apply a Heritage Overlay on the property. To date, no response has been received from the land owners.</p>			
<p>Revise the curtilage of the Heritage Overlay to include the stone Ha-Ha.</p>	HO15	75 Hoopers Road, Dookie (The Chateau)	Nil.
<p>Revise the curtilage of the Heritage Overlay to remove it from the drainage reserve to the rear of the property and 27 Judd Avenue, Merrigum.</p> <p>27 Judd Avenue, Merrigum was erroneously included as part of HO285 through Amendment C204.</p>	HO285	31 and 33-39 Judd Avenue, Merrigum (Former Carnation Company Milk Factory)	Nil.
<p>Revise the extent of the Heritage Overlay from vacant land.</p>	HO368	703 Midland Highway & 12 Hosie Road, Shepparton East	Submitter 37
<p>Revise the curtilage of the Heritage Overlay to only apply to the front half of the lot at 4910 Goulburn Valley Highway, Murchison East.</p>	HO59	4910 & 4920 Goulburn Valley Highway, Murchison East	Nil.

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Council officers are proposing to draft a second place citation report for the house at 4920 Goulburn Valley Highway, Murchison East as part of a future planning scheme amendment.			
Revise the curtilage to apply to St Mary's Catholic Church & Presbytery and an appropriate curtilage around the two buildings.	HO18	93 & 93A Saddleback Road, Dookie	Nil.
Revise the area of the Heritage Overlay to retract it from the house at 102 Morrissey Street, Merrigum to remove unnecessary planning permit triggers.	HO287	102 Morrissey Street, Merrigum (Blacksmith & Motor Garage)	Submitter 7
Revise the area of the Heritage Overlay to properly apply it to the Chock & Log Fence.  During a site visit to the property in September 2019, Council officers discovered that the application of the Heritage Overlay for HO384 is incorrect.	HO384	5855 Midland Highway, Tatura (Chock & Log Fence)	Nil.
Revise the area of the Heritage Overlay to only apply it to the significant log structures and to remove unnecessary planning permit triggers.	HO144	50 Merrigum-Ardmona Road, Merrigum (Snelling's Property)	Nil.
Propose that HO260 be removed from the property as the cottage was demolished in early-2019.	HO260	75 Quarry-Dookie Road, Dookie (Magennis Cottage)	Nil.
Council officers are of the view that the existing built fabric has been so compromised that the building is no longer considered to be of significance. As such, Council officers are proposing the Heritage Overlay be removed.	HO218	201 Hogan Street, Tatura (Shop)	Nil.
Council officers can confirm that 'Harris House' was moved to its current location in 1968 from Maude Street in Shepparton. The	HO263	65 Doyles Road, Grahamvale (Harris House)	31

<p>basis for the inclusion of 'Harris 'House' was that it was of historical significance for its association with the agricultural development of Grahamvale, and its association with Closer Settlement. Given that the house was moved to its current location, it does not sufficiently demonstrate these associations. As such, Council officers will recommend the Heritage Overlay no longer apply to the property.</p>			
<p>Council officers are proposing post-exhibition changes to rationalise the curtilage of HO328 to remove it from the western paddock.</p> <p>The avenue of mature peppercorn trees will remain in the curtilage as they actively contribute to the significance of 'Waranga Park Homestead'.</p>	HO328	5 Murchison-Tatura Road, Tatura (Waranga Park Homestead)	42
<p>Council officers are proposing to remove HO292 from the property. Council officers are of the view that the existing built fabric has been so compromised that the building is no longer considered to be of significance. As such, Council officers are proposing the Heritage Overlay be removed.</p>	HO292	35 Flynns Road, Moorilm (Homestead)	Nil

### 8.3 Proposed Post-Exhibition changes to the Schedule to Clause 43.01 *Heritage Overlay*

{522] The following changes are supported and sourced from Council's Part A Submission. Based on submissions received to the Amendment upon further review of the Amendment documentation during the exhibition period, the following changes are required:

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1. Revise the address of HO405 to 235 Zeerust Road, Zeerust. This property was initially identified as part of HSIIC Study. The land owner of 235 Zeerust School Road, Zeerust met with Council officers who stated that no historic structure exists on the property. Council investigated these using images on real estate websites and determined that the log structures were indeed located at 235 Zeerust Road, Zeerust and not 235 Zeerust School Road, Zeerust. Council officers sent a letter to owners of 235 Zeerust Road, Zeerust on 2 July 2019 stating that Council is proposing a post-exhibition change to the Amendment to apply a Heritage Overlay on the property. To date, no response has been received from the land owners.
2. Amend the address of the 'Statement of Significance' for HO190 to state 88 Maude Street, Shepparton and not 89 Maude Street, Shepparton.
3. Recommend that the second toilet block is of significance based on the contents of Submission 9 for 400 Zeerust Road, Zeerust (HO104).
4. Recommend that internal alteration controls no longer be proposed to apply 325 Poplar Avenue, Orrvale (HO342) as no significant internal fabric remains intact. This was determined after undertaking a site-visit by Council officers and Council's Heritage Advisor on 17 September 2019.
5. Specify that the Imam's House is a significant outbuilding at 209-231 McLennan Street, Mooroopna (HO310). The Statement of significance states that the Imam's House contributes to the significance of the Turkish Mosque. Specifying the Imam's House as a significant outbuilding in the Schedule to Clause 43.01 *Heritage Overlay* will reflect the information contained in the Statement of Significance.
6. No longer recommend applying 'Internal Alteration Controls' to 16 Alexandra Street, Mooroopna (HO302, Former Parsonage). 'Internal Alteration Controls' were erroneously proposed to apply in the exhibited Amendment Documentation.
7. Recommend that 'Internal Alteration Controls' no longer apply to 703 Midland Highway, Shepparton East. Internal alteration controls were applied through Amendment C204 to the Planning Scheme. A site inspection was undertaken by Council officers and Council's Heritage Advisor and based on the contents of Submission 37 to the Amendment where it was determined that Internal alteration controls are not warranted.
8. No longer recommend that Outbuilding and Fences Controls apply to the property at 61 Maude Street, Shepparton (HO186, House) as a planning

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permit was granted (Planning Permit 2016-387) for the removal of the brick fence.

9. No longer propose the application of 'Internal Alteration Controls' to the property at 5 Young Street, Mooroopna (HO319, Former Undera Hall). Little significant internal fabric remains after the Former Undera Hall was relocated to its current location in the 1930s.
10. No longer propose the application of 'Internal Alteration Controls' to the property at 154 Welsford Street, Shepparton (HO95, Former Forester's Hall). No significant internal fabric remains.
11. No longer propose the application of 'Internal Alteration Controls' to the property at 120-132 Welsford Street, Shepparton (HO163, Senior Citizens' Rooms and the Helen Fairley Garden Reserve). No significant internal fabric remains.
12. Apply 'Internal Alteration Controls' to the outbuildings at 190 Toolamba-Rushworth Road, Toolamba (HO396, Homestead Complex).
13. Review controls to the property at 1070 River Road, Kialla East (HO277, Ashville Homestead).
14. No longer recommend that the 'wrought iron gates' be listed as significant for the property at 89 Maude Street, Shepparton (HO191). A Planning Permit (Planning Permit 2018-63) was approved to demolish the existing fence and gateway and the construction of a new gateway and fence in accordance with the endorsed plans.
15. Delete HO292 at 35 Flynn's Road, Moorilim.
16. Delete HO260 at 75 Quarry-Dookie Road, Dookie as 'Magennis' was demolished in early-2019.

#### **8.4 Proposed Post-exhibition changes to the Incorporated Documents associated with Amendment C205**

The following post-exhibition changes are proposed to the Incorporated Documents.

##### **8.4.1 Proposed Post-exhibition changes to the Greater Shepparton Heritage Incorporated Plan**

{523} Tree Controls are proposed to apply to protect all 'mature trees' where they actively contribute to the significance of the place. A 'mature tree' is a tree that is greater

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than 5 metres in height, or greater than 2 metres in circumference measured at a height of 1.4 metres above ground level.

- {524] A definition for works that propose to remove, lop or destroy a ‘mature tree’ would trigger a planning permit should be included.

#### **8.4.2 Proposed Post-exhibition changes to the Kialla Village Settlement Incorporated Document**

- {525] Council officers are proposing post-exhibition changes to the Kialla Village Settlement Incorporated Document to state that the *Aboriginal Heritage Act 2018* and *Aboriginal Heritage Regulations 2018* are the over-riding authority for any works that may impact areas of Aboriginal Cultural Heritage Sensitivity.

- {526] It should be noted that the *Heritage Act 2017* guides any works under Part 6 – Archaeological Heritage.

#### **8.4.3 Proposed Post-exhibition changes to the Statements of Significance Incorporated Document**

- {527] It should also be noted that where post-exhibition changes are proposed to a place’s Statement of Significance outlined in this statement; changes will be replicated in the *Statements of Significance Incorporated Document 2019*.

### **{2}1 Concluding Statements**

- {528] I support the introduction of the Heritage Overlay to all places identified in HSIIC, the three additional places at 36 Welsford Street, and 18 and 20 Thomson Streets, Tatura, the updated citation reports for some places identified in HSII and HSIIB exhibited as part of the Amendment, the changes proposed for Clause 43.01 Schedule to the Heritage Overlay and any post-exhibition or other changes outlined in this statement to the Draft Study and amendment documentation.

- {529] It is on this basis, that I recommend that the proposed Amendment C205 of the Greater Shepparton Planning Scheme should proceed with the post-exhibition changes outlined in this statement.

#### **Declaration**

- {530] I have made all of the inquiries that I believe are desirable and appropriate, and that no matters of significance, which I regard as relevant, have to my knowledge been withheld from the Panel.



**Deborah Kemp**

22 November 2019

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## **Appendix A Curriculum Vitae**

### **DEBORAH KEMP Heritage Consultant**

Director of Heritage Concepts Pty Ltd  
1480 Glenrowan-Boweya Road, Taminick VIC 3675

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Email heritageconcepts@bigpond.com

### **Qualifications and Affiliations**

Bachelor of Architecture, The University RMIT 1986 (Distinction)  
Masters in Architectural History and Conservation, The University of Melbourne 1997

Recognised Conservation Practitioner with Heritage Victoria  
Recognised Conservation Practitioner with the New South Wales Heritage Office

Director, Heritage Concepts 2010 -  
Director, Frontier Architects for Heritage (2007-9)  
Heritage Consultant (1997 –)  
Hayball Leonard Stent Architects  
Department of Public Works  
Department of Housing and Construction

### **Heritage Advisor**

Provision of Heritage Advice to Local Government Authorities

- Greater Shepparton City Council
- Indigo Shire Council
- Rural City of Wangaratta Council
- City of Wodonga Council
- Benalla City Council

### **Recent Architectural Conservation Projects**

#### **Mount Buffalo**

Conservation works to Mount Buffalo Chalet

#### **Beechworth**

Restoration of Police Stables,

Restoration of c1860s stone cottage, Restoration and conservation of rudimentary slab building within an existing residence

Benalla Migrant Camp – preparation of a CMP and conservation schedules

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**El Dorado**

Conservation of Keith Hall a stone ruin in Eldorado

**Benalla**

Restoration and adaptive re-use - 1958 former Shire of Benalla Council offices

**Port of Echuca**

Conservation works that included a redevelopment plan for the heritage precinct

**Bonegilla Migrant Centre**

Conservation works and new development

**Glenrowan Siege Site**

Ongoing restoration works and interpretative projects

**Heritage Studies and Planning Scheme Amendments**

Heritage Study IIB & IIC – Rural Greater Shepparton City

Review of Campaspe Heritage Precincts

Local Heritage Study Stage II Wodonga City Council Local Heritage Study Stage I

Towong Shire Council

Local Heritage Study Stage II Alpine Shire Council

Local Heritage Study Stage III Greater Shepparton City

Local Heritage Study – Rural City of Wangaratta

**Conservation Analysis and Management Plans**

Bonegilla Migrant Centre Brunswick City Baths, Victoria

Memsie Homestead, Bridgewater, Victoria

26 Finch Street Beechworth, Victoria

Mansfield Police Stables and Lock up, Victoria

Princes Pier, Port Melbourne, Victoria

Bontharambo Homestead Wangaratta, Victoria

**Design Guidelines**

Indigo Shire Council

Bogong Village (Draft)

**VCAT**

Expert Witness at VCAT (2005 –)

**Publications**

Paper for ICOMOS Norway 2010 co-author Louise Honman

Topic: Ephemera – colonial vernacular

Paper for ICOMOS Conference, Tasmania 2001, co-author Professor Miles Lewis

Topic: Colonial Coolrooms

Paper for the Barn Conference, The University of Melbourne, 2007

Topic: Barns – Construction and Design, (north-east Victoria)

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**Seminar Papers**

'Teaching Planners about Heritage' City of Greater Shepparton June 2007  
Department of Sustainability and the Environment.

Tree Change Seminar Beechworth October 2007

Participated as the heritage expert on a panel convened to discuss the implication of changes to planning schemes as a result of shifting populations.

National Workshop for Heritage Trades Sydney November 2007

Presented a paper at the request of Heritage Victoria

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## Appendix B

Place where site visits did not occur. Several places are hyperlinked to external websites.

Address
200 Ross Road, Arcadia (Homestead Complex)
<a href="#">50 Ardmona Road, Ardmona (Koola Homestead)</a>
<a href="#">155 Excelsior Avenue, Ardmona (walk through dairy)</a>
<a href="#">2195 Midland Highway, Cosgrove South (Homestead Building)</a>
2365 New Dookie Road, Dookie (Belbank Homestead)
4180 Midland Highway, Girgarre East (Homestead Complex)
310 Heath Road, Harston (Atherstone Homestead)
965 Katandra Main Road, Katandra (Lilybank Homestead)
<a href="#">1070 River Road, Kialla East (Ashville)</a>
<a href="#">1070 River Road, Kialla East (Ashville Stable)</a>
588 Dunbar Road, Kyabram (Mud Brick Shed)
<a href="#">195 Major Plains Road, Major Plains (Boorinda Homestead)</a>
1090 Byrneside-Kyabram Road, Merrigum (Tottenham's House)
<a href="#">745 Dunbar Road, Merrigum (McLeods Homestead)</a>
<a href="#">605 Hooper Road, Mooroopna North West (Homestead Complex)</a>
90 Baynes Road, Murchison (Alistair Knox House)
<a href="#">890 Hammond Road, Murchison (Lynden Homestead)</a>
470 Murchison-Goulburn Weir Road, Murchison (Homestead Complex)
815 Crawford Road, Tatura (Fenton Hall)
5735 Midland Highway, Tatura (Kelvin Grove)
1340 Murchison-Tatura Road, Tatura (Homestead Complex)
1655 Toolamba-Rushworth Road, Tatura (Harston Grange)
145 Winter Road, Tatura (Hanging Room, Former Alexanders Slaughter Yard)
180 Bitcon Road, Toolamba (Herdstown Villa)
<a href="#">195 Pogue Road, Toolamba (Lissadell Homestead)</a>
490 Pogue Road, Toolamba (Roseneath Homestead)
<a href="#">190 Toolamba-Rushworth Road, Toolamba (Homestead Complex)</a>
<a href="#">825 Toolamba Road, Toolamba (Osborne House)</a>
760 Bayunga Road, Toolamba West (Woodlands Homestead)
820 Hutchison Road, Undera (St Germain's Homestead and Grave)