

Planning and Environment Act 1987
GREATER GEELONG PLANNING SCHEME
DELEGATED AUTHORITY REPORT
AMENDMENT C316

To: Peter Smith – Coordinator Strategic Implementation
From: Barry Gough – Strategic Planner
Subject: Lara Heritage Review
File number: C316

Purpose

The purpose of this report is to consider submissions received in response to the exhibition of the amendment and to request the Minister for Planning to appoint a Planning Panel to consider the Amendment, and submissions and make recommendations to Council with respect to the adoption of the amendment.

Summary

- Amendment C316 seeks to change the Greater Geelong Planning Scheme by applying the Heritage Overlay over 24 individually listed significant places in Anakie, Lara and Little River and Lovely Banks, together with 3 sites in Anakie and Lara which are recommended for inclusion on the Victorian Heritage Inventory.
- Exhibition of the amendment in June – July 2015 resulted in the receipt of 6 submissions, five of which opposed or sought alterations to the amendment.
- The relatively small number of objecting submissions is consistent with the generally positive response community response to the extensive public consultation prior to the adoption of the Lara Heritage Review.
- As the Amendment has been exhibited and submissions received, Council can decide to adopt changes consistent with the submissions, abandon the Amendment or request the Minister to appoint an Independent Panel to consider and make recommendations to Council on both the Amendment and the submissions.
- Matters raised in the majority of submissions have now been resolved, with two proposed additions to the schedule to the heritage overlay being deleted and two submissions being withdrawn.
- To protect identified heritage assets it is recommended that Council consider the submissions and refer all of them to an Independent Panel to be appointed by the Minister for Planning.
- As part of the Panel process all submitters will be notified and given the opportunity to appear before the Panel.

Recommendation

That Council, having considered all submissions to Amendment C316 to the Greater Geelong Planning scheme resolves to:

Planning and Environment Act 1987
GREATER GEELONG PLANNING SCHEME
DELEGATED AUTHORITY REPORT
AMENDMENT C316

- 1) Request the Minister for Planning appoint an Independent Panel under Part 8 of the Planning & Environment Act 1987;
- 2) Refer all unresolved submissions to the Panel;
- 3) Submit to the Panel a detailed response to the submissions, consistent with the position outlined in this report.

Background

Amendment C316 implements the *Lara Heritage Review, Stage 2*, and is based on detailed assessments of properties within the study, which are contained in the adopted report.

Amendment C316 reflects the Study recommendations that heritage protection be extended to cover the identified sites and precincts in the form of a Heritage Overlay.

Discussion

Submission 1:

Property address:

85 Curletts Road, Lara



Issues raised by Submitter:

- *Loss in the value of the property as a result of the heritage overlay.*

Response:

Research studies, both domestic and international, indicate that heritage listing on a macro level is not a significant factor in determining property value either at the time of listing or following.

The property has no real heritage value; that the subject other properties identified in the Lara Heritage Review were not included in A. Willingham, Geelong Region Historic Buildings and Objects Study prepared for the Geelong Regional Commission, 1986; and that the subject property and other properties identified in the Lara Heritage Review

Planning and Environment Act 1987
GREATER GEELONG PLANNING SCHEME
DELEGATED AUTHORITY REPORT
AMENDMENT C316

do not carry the historical significance of properties like Pirra Homestead or Elcho Homestead.

Response:

The property at 85 Curletts Road has been considered to have historical significance at the local level for its associations with early farming developments in Lara from 1869, with the original owner, William Harding, farmer and builder, and with Section 31 and Section 42 (also described as Clause 42) of the Amending Land Act of 1869. This and a select number of properties at Lara were developed as a result of this most unusual provision in the City of Greater Geelong area, as it provided a license to reside on or cultivate small allotments on or adjacent to goldfields.

It is because of the above that the property at 85 Curletts Road is considered to have local historical significance. It is noted that the relevant assessment criteria has not been included in the Statement of Significance. This is a typographical error. The dwelling is considered to meet a local heritage significance threshold under Criterion A.

- *The submitter would be unfairly burdened by the application of external paint controls and need for planning permits for fencing, construction of new outbuildings and alterations to existing outbuildings, installation of solar panels and water tanks.*

Response:

i External Paint Controls

External paint controls had been recommended because all other stone and brick dwellings listed in the Schedule to the Heritage Overlay in the Greater Geelong Planning Scheme are included within this control.

This differentiation has been adopted recognizing that the painting of timber and other non-masonry / external surfaces is necessary to protect the integrity of the structures and the colours relatively easily changed at a future time. The painting of non masonry external fabric is therefore considered to be temporary in nature. The painting of masonry walled structures (brick / stone / rendered) introduces a more permanent change to a heritage structure, and is therefore not generally supported.

Another analysis of the dwelling from outside the front of the property indicates that the walls have been overpainted. That the painted nature of the walls is not readily apparent indicates that the colour is not out of context with the heritage nature of the dwelling. While a planning permit would be required to paint previously unpainted surfaces – the chimneys – a permit would not be required to re-paint the walls and other external elements in the existing colours. In the case of this dwelling, this would refer to the chimneys. At the same time, because the front windows are introduced (in the original openings), the schedule could note that external paint controls did not apply to these windows.

Planning and Environment Act 1987
GREATER GEELONG PLANNING SCHEME
DELEGATED AUTHORITY REPORT
AMENDMENT C316

This approach would strike a balance between minimizing any impacts on the integrity of the heritage structure, while at the same time allowing the property owner to continue to maintain a painted finish to the external fabric of the dwelling.

ii Outbuildings & Fences

Concerns of this and other submitters have resulted in the development of a draft incorporated plan to address the need for fencing and outbuildings to remain adaptable, particularly in this rural context. This and other works should overcome some of the regulatory burden. The outbuildings noted in the heritage citation of heritage value (based on their visibility from Curletts Road and aerial imagery) are those connected to the dwelling, not other detached outbuildings on the site.

Following review of the submission it is also proposed to adjust the extent of the heritage overlay to align with the rear fence adjacent to the outbuildings at the rear of the dwelling.

iii Solar Panels and Water Tank Installation

While a planning permit would be required for the installation of panels and tanks if visible from Curletts Road (in the case of the subject dwelling), there may be instances where the visibility would not be at issue. This might be recessive water tanks at the sides of the dwelling, or solar panels on rear roof faces.

Submission 2:

Property address:

110-120 Forest Road South Lara & 155 Forest Road South, Lara.



Issues raised by Submitter:

- *The submitter seeks notification of any submissions received by Council relating to the above properties.*

Response:

No submissions made reference to the above properties.

Planning and Environment Act 1987
GREATER GEELONG PLANNING SCHEME
DELEGATED AUTHORITY REPORT
AMENDMENT C316

The submitter will be notified at the conclusion of the amendment process that no submissions relating to the properties at 110-120 Forest Road South and 155 Forest Road South, Lara, were received.

Planning and Environment Act 1987
GREATER GEELONG PLANNING SCHEME
DELEGATED AUTHORITY REPORT
AMENDMENT C316

Submission 3:

Property address:

'Glenoe', 10 Windermere Road, Lara



Issues raised by Submitter:

- *The architectural character of the dwelling has been substantially compromised by alterations and additions.*
- *Historical basis for the property has not been factually established.*
- *No adequate or precise material or evidence for comparative analysis has been given.*
- *The heritage overlay would restrict any future proposed changes or development.*
- *Potential social and economic effects.*
- *Possibility of a Design and Development Overlay instead of a Heritage Overlay.*
- *A basis for the heritage overlay curtilage is not established.*
- *The Cypress and Gum trees are in poor condition and a considerable number need to be removed.*

Response:

Following the review of the submission and consistent with the resultant heritage advice, Council wrote to the submitter, advising of its intention to delete the property from the revised schedule to the heritage overlay proposed to be introduced as part of this amendment.

Council wrote to the submitter on the 16th October 2015 advising of its intention to delete this property from the amendment and requesting the withdrawal of the objecting submission, subject to the deletion of the property from the amendment.

To-date a response has not been received from the submitters.

Planning and Environment Act 1987
GREATER GEELONG PLANNING SCHEME
DELEGATED AUTHORITY REPORT
AMENDMENT C316

Submission 4:

Property address:

'Kia Ora', 75 Staceys Road, Lovely Banks.



Issues raised by Submitter:

- *The heritage overlay area should be reduced and the proposed heritage overlay plan (aerial image) in the heritage citation corrected. A suggested reduced heritage overlay extent is provided in the submission.*

Response:

The improved aerial image provided by the submitters (compared to the aerial image used as the time of applying the proposed heritage overlay extent as part of the heritage citation) gives a clearer view of the setting and fences to the 'Kia Ora', 75 Staceys Road. The reduced heritage overlay is not considered to have any potential to adversely affect the dwelling.

- *The heritage citation is corrected given that the dwelling has an introduced timber shingled roof.*

Response:

At the time of the fieldwork, the roof of the dwelling was wet due to rain and gave the appearance of slates. A recent site visit has confirmed the submitter's claim that the roof is constructed of timber shingles.

Further historical research has revealed that the original roof was corrugated galvanized steel.

A correction to the heritage citation should therefore be made, outlining the introduced timber shingles. A recommendation could be added to the citation indicating that subject to a planning permit, opportunities are available to replace the existing roof cladding with corrugated sheet metal.

- *An Incorporated Plan should be prepared to provide exemptions for permits for rural properties.*

Planning and Environment Act 1987
GREATER GEELONG PLANNING SCHEME
DELEGATED AUTHORITY REPORT
AMENDMENT C316

Response:

The suggestions outlined for the preparation of an Incorporate Plan for certain permit exemptions for rural properties identified in the Lara Heritage Review are considered reasonable. The attached draft Incorporated plan (Appendix 1) has been circulated to the Submitter for comment.

Council wrote to the submitter on 16th October 2015, following the review of the submission by Council's Heritage Consultant, proposing changes to the nature and extent of the proposed heritage controls and requesting that, if the changes were acceptable to the submitter, that they consider withdrawing their submission.

A signed withdrawal, conditional on the changes suggested by Council, was subsequently received from the submitter.

Submission 5:

Property address:

'Cottage', 51 Forest Road South, Lara.



Issues raised by Submitter:

- *The address for the heritage overlay is incorrect.*
- *The proposed tree controls outlined in the Schedule to the Heritage Overlay is corrected to reflect the heritage citation where tree controls are not recommended.*

Response:

Following the review of the submission and consistent with the resultant heritage advice, Council wrote to the submitter, advising of its intention to delete the property from the revised schedule to the heritage overlay proposed to be introduced as part of this amendment.

Planning and Environment Act 1987
GREATER GEELONG PLANNING SCHEME
DELEGATED AUTHORITY REPORT
AMENDMENT C316

Council wrote to the submitter on the 16th October 2015 advising of its intention to delete this property from the amendment and requesting the withdrawal of the objecting submission, subject to the deletion of the property from the amendment.

A signed withdrawal, conditional on the changes suggested by Council, was subsequently received from the submitter.

Submission 6:

Property address:

'Laurence Park, 125 Buckingham Street, Lara.



Issues raised by Submitter:

- *Over-sized heritage overlay proposed.*

Response:

The submitter has provided a suggested revised, reduced heritage overlay extent. This revised heritage overlay will include the main cottage and the significant early stables outbuilding. The reduced heritage overlay is not considered to have any potential to adversely affect the dwelling or the stables. A buffer of 1500 mm either side of the outbuildings to the east and west of the dwelling is suggested (basically giving a dimension to the east and west boundaries to the heritage overlay as they relate to the existing outbuildings).

- *Additional historical information provided about repairs to the dwelling and stables.*

Response:

The additional historical information about repairs and other works to the property provides a further insight into the evolution and conservation of 'Laurence Park'. It is suggested that this information is included in the heritage citation, including the new roof to the stables.

- *Tree planting and proposed tree controls*

Planning and Environment Act 1987
GREATER GEELONG PLANNING SCHEME
DELEGATED AUTHORITY REPORT
AMENDMENT C316

Response:

The submitter's details about 95% of the trees having been planted since 1984 provides a greater level of understanding about the setting of the place. Given the physical impacts associated with the trees, it is suggested that tree controls are deleted from the proposed Schedule to the Heritage Overlay. The provenance of the surviving mature peppercorn trees has not been ascertained. Furthermore, the mature trees could be removed without a permit where they are within 10 metres of the dwelling and outbuildings under planning permit exemptions in Clause 42.48-1 Bushfire Protection in the Greater Geelong Planning Scheme.

Council wrote to the submitter on 16th October, following the review of the submission by Council's Heritage Consultant, proposing changes to the nature and extent of the proposed heritage controls and requesting that, if the changes were acceptable to the submitter, that they consider withdrawing their submission.

To-date a response has not been received from the submitters.

Environmental Implications

The proposed changes to the planning scheme will have no adverse environmental implications.

Financial Implications

The proposed changes to the planning scheme will have no adverse financial implications for Council.

Policy/Legal/Statutory Implications

The amendment is considered to be consistent with State and Local planning policies as set out in the Explanatory Report, which forms part of the amendment documentation.

Alignment to City Plan

This proposed amendment is consistent with the 'Built and Natural Environment and Community Wellbeing' elements of City Plan.

Officer Direct or Indirect Interest

No Council officers involved in the preparation of this report have a direct or indirect interest, in accordance with Section 80(a) of the Local Government, to the matters to which the amendment relates.

Planning and Environment Act 1987
GREATER GEELONG PLANNING SCHEME
DELEGATED AUTHORITY REPORT
AMENDMENT C316

Risk Assessment

There are no risks to Council from the future adoption of this amendment, in the event that this course of action is recommended by the independent Planning Panel.

Social Considerations

No adverse impacts on the community have been identified as arising from this amendment.

Human Rights Charter

The course of action proposed in this report both recognises and respects the rights of those whose properties are affected by the amendment.

Consultation and Communication

Amendment C316 has been the subject of community consultation as part of the heritage review process, in addition to the formal exhibition process, as a result of which changes proposed in some submissions have been incorporated into the amendment in their entirety, while an incorporated plan has been drafted to ameliorate the concerns of several submitters.

All unresolved submissions will also be considered by an independent Planning Panel, appointed by the Minister for Planning, which shall make recommendations to Council in regard to the adoption / modification of the exhibited amendment.

Planning and Environment Act 1987
GREATER GEELONG PLANNING SCHEME
DELEGATED AUTHORITY REPORT
AMENDMENT C316

Appendix 1

Draft Incorporated Plan, Anakie, Lara & Lovely Banks Heritage Places.

**ANAKIE, LARA & LOVELY BANKS
HERITAGE PLACES**

INCORPORATED PLAN

(Draft)

SEPTEMBER 2015

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

Planning and Environment Act 1987
GREATER GEELONG PLANNING SCHEME
DELEGATED AUTHORITY REPORT
AMENDMENT C316

1.0 Application

This plan is incorporated into the Greater Geelong Planning Scheme under the Schedule to Clause 81.01.

This incorporated plan applies to the following heritage places identified in the Greater Geelong Planning Scheme:

- 785 Bacchus Marsh Road, Anakie (HOXXXX).
- 450 Staceys Road, Anakie (HOXXXX).
- 85 Curletts Road, Lara (HOXXXX).
- 450 Flinders Avenue, Lara (HOXXXX).
- 155 Forest Road South, Lara (HOXXXX).
- 295 Patullos Road, Lara (HOXXXX).
- 170 Peak School Road, Lara (HOXXXX).
- 75 Staceys Road, Lovely Banks (HOXXXX).

2.0 No permit required

Pursuant to Clause 43.01-2, for land in HOxxxxxx, a permit is not required to:

- 2.1 Construct, demolish, remove or alter a farm fence (post and rail and/or post and wire) to the same height and design as existing farm fences. This does not apply if the fence is identified in the Schedule to the Heritage Overlay.
- 2.2 Demolish or alter an outbuilding or structure not identified in a statement of significance in the Lara Heritage Review (2013) and that is not attached to a significant building. This includes routine maintenance that would change the appearance of a building.
- 2.3 Construct a building provided that the building is:
 - At least 5 metres behind the rear façade of the significant building/s.
 - Built of non-reflective materials.
- 2.4 Install plant or equipment associated with hot water services or central heating units provided that the equipment is not attached to a front façade of a building identified in a statement of significance in the Lara Heritage Review (2013).
- 2.5 Construct equipment associated with a roof-mounted solar hot water system provided that the equipment is not situated on that part of the roof that faces directly toward a street or road.
- 2.6 Construct of a pool or associated fencing and works at the rear of a building identified in a statement of significance in the Lara Heritage Review (2013). This does not apply if it would require the removal, demolition or alteration of significant fabric.
- 2.7 Construct driveways, pathways and similar works provided that the works are graded away from, do not damage or submerge the subfloor portions of buildings identified in a statement of significance in the Lara Heritage Review (2013).