

*Planning and Environment Act 1987*

**Panel Report**

# Greater Geelong Planning Scheme Amendment C341 Vietnam Veterans Avenue of Honour and Osborne House gates

Front page

**2 December 2016**

*Planning and Environment Act 1987*

Panel Report pursuant to section 25 of the Act

Greater Geelong Planning Scheme Amendment C341

Vietnam Veterans Avenue of Honour and Osborne House Gates

2 December 2016



Lucinda Peterson, Chair

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## List of Abbreviations

DELWP	Department of Environment, Land, Water and Planning
HO	Heritage Overlay
LPPF	Local Planning Policy Framework
MSS	Municipal Strategic Statement
SPPF	State Planning Policy Framework
VPP	Victoria Planning Provisions

## Overview

### Amendment Summary

<b>The Amendment</b>	Greater Geelong Planning Scheme Amendment C341
<b>Common name</b>	Vietnam Veterans Avenue of Honour and Osborne House gates
<b>Brief description</b>	Application of the Heritage Overlay (HO1989) over the Vietnam Veterans Avenue of Honour and Memorial Park, and the Osborne House gates.
<b>Subject site</b>	The Melbourne Road reserve between Mackey and Swinburne Streets, North Geelong, a portion of Osborne Park adjacent to Melbourne Road, and a portion of 241 Melbourne Road, North Geelong.
<b>The Proponent</b>	Greater Geelong City Council
<b>Planning Authority</b>	Greater Geelong City Council
<b>Authorisation</b>	10 February 2016
<b>Exhibition</b>	24 March to 26 April 2016
<b>Submissions</b>	Number of Submissions: 7 Opposed: 1 Withdrawn: 1 Refer to Appendix A

### Panel Process

<b>The Panel</b>	Lucinda Peterson
<b>Directions Hearing</b>	Geelong Council offices, 20 September 2016
<b>Panel Hearing</b>	Geelong Council offices, 31 October 2016
<b>Site Inspections</b>	Unaccompanied, 31 October 2016
<b>Appearances</b>	<ul style="list-style-type: none"> <li>Greater Geelong City Council represented by Mr Stuart Thiele, Strategic Planner, Mr Kevin Krastins, Community Development Planner and Mr Alan Dawson, Council Arborist</li> <li>265 Melbourne Road Pty Ltd represented by Mr Anthony Msonda-Johnson, Senior Urban Planner of Roberts Day</li> <li>Osborne Park Association represented by Mr Rod Charles, Chair</li> <li>Geelong and Region Branch National Trust of Australia (Victoria) represented by Mrs Jennifer Bantow OAM</li> <li>Geelong and District Vietnam Veterans Association of Australia represented by Mr Rieny Nieuwenhof, President.</li> </ul>
<b>Date of this Report</b>	2 December 2016

## Executive Summary

### (i) Summary

Amendment C341 to the Greater Geelong Planning Scheme (the Amendment) proposes to formally recognise and protect the Vietnam Veterans Avenue of Honour and Memorial Park in Melbourne Road, North Geelong within the Heritage Overlay (HO1989). It also proposes to include the Osborne House gates, which once formed part of the entrance to the historic property “Osborne Park”.

Seven submissions were received to the Amendment, including one objection and three submissions suggesting changes. The Amendment raised a number of issues around whether the items included in the Amendment are worthy of heritage listing, whether the Heritage Overlay on the Avenue, in particular, will impact development opportunities for properties abutting it, and a range of technical details around Heritage Overlay mapping and scheduling.

The Avenue of Honour and Memorial Park are of social and historical significance. Although unconventional in the sense that they are new memorials (compared with those from World War 1 and World War 2), the Panel recognises the Avenue and Memorial are important commemorative places for the Veteran and wider community to acknowledge those who fought and died in the war. It will continue to be a place that evolves and will be passed from one generation to the next.

The Panel understands that Council has found it necessary to formally recognise and formalise controls to manage and protect the Avenue in particular from intrusions that the Avenue has previously experienced. The Heritage Overlay is the appropriate tool to manage this process.

The Panel accepts that the gates are historically and aesthetically significant, and have a historical and tangible relationship to the mansion known as “Osborne Park”. Based on the information provided during the Hearing, the Panel concludes that the Schedule to the Heritage Overlay should refer to the gates as the “Osborne Park” gates.

The Council’s post exhibition changes, to list the gates separately from the Avenue and Memorial in two Heritage Overlays, is a better response, considering the two places are unrelated.

### (ii) Recommendations

Based on the reasons set out in this Report, the Panel recommends that the Greater Geelong Planning Scheme Amendment C341 be adopted as exhibited subject to the following:

1. **For the Vietnam Veterans Avenue of Honour and Memorial Park:**
  - a) **Amend the Schedule to the Heritage Overlay to list the Vietnam Veterans Avenue of Honour and Memorial separately from the Osborne House gates.**
  - b) **Amend the Heritage Overlay Map to exclude the gates and extend the extent of the overlay southwards and eastwards to include all of the features in the Memorial Park.**

- c) Update the “Tree Controls Apply?” column in the Schedule to the Heritage Overlay to amend the number of trees from 135 to 146.
  - d) Include the revised Heritage citation in Clause 22.09 as a reference document.
2. For the Osborne House gates:
- a) Include the gates in a separate Heritage Overlay, both on the Heritage Overlay map and within the Schedule to the Heritage Overlay.
  - b) List the name of the gates as “Osborne Park gates” in the Heritage Overlay.
  - c) Amend the Schedule to the Heritage Overlay to refer to “cast iron” instead of “wrought iron”.
  - d) Amend the post exhibition citation for the gates to refer to “Osborne Park gates” instead of “Osborne House gates”.
  - e) Include the heritage citation for the gates as a reference document in clause 22.09.

# 1 Introduction

## 1.1 The Amendment

### (i) Amendment description

The Amendment proposes to apply the Heritage Overlay (HO1989) to the Vietnam Veterans Avenue of Honour and Memorial Park, including a memorial wall, flagpoles and memorial seat and specifically apply tree controls. The Amendment applies to the Osborne House gates, located near the Memorial, within the same Heritage Overlay.

### (ii) Purpose of the Amendment

The Amendment recognises and protects the Vietnam Veterans Avenue of Honour and Memorial Park and Osborne House gates in North Geelong by applying the Heritage Overlay.

### (iii) The subject site

The Amendment applies to land shown in Figure 1. It affects the Melbourne Road reserve between Mackey and Swinburne Streets, North Geelong, a portion of Osborne Park adjacent to Melbourne Road, and a portion of 241 Melbourne Road, North Geelong.



Figure 1 The subject site

## 1.2 Background to the proposal

The Vietnam Veterans Avenue of Honour opened in October 1995 and originally comprised an avenue of London Plane Trees along Melbourne Road.

The Vietnam Veterans Association of Australia Inc, Geelong and District Sub Branch (Vietnam Veterans Association) wrote to the Council in December 2014 outlining their proposal for the

50-year commemoration of the Battle of Long Tan in August 2016 including the restoration and dedication of the Avenue of Honour and Memorial.

The Vietnam Veterans Association also sought Councils support to have a Community Billboard relocated from the western side of Melbourne Road, opposite Swinburne Street, to outside the Avenue of Honour. The sign was considered a disrespectful intrusion into an area considered a 'sacred place'.

In considering the requests, Council proposed the recognition and protection of the Avenue of Honour and Memorial by way of a Heritage Overlay. As the Osborne House gates are within immediate proximity to the Memorial and Avenue of Honour, they were included in the heritage assessment and Amendment.

### **1.3 Summary of issues raised in submissions**

The key issues raised in the submissions are summarised as follows:

- Whether the Osborne House gates and Avenue of Honour and Memorial should be included within the single Heritage Overlay
- Given the age of the Avenue of Honour, whether it warrants heritage protection.
- Whether the delineation of the Avenue of Honour is justified
- Impact of the Heritage Overlay on future development opportunities of property adjacent to the Avenue
- Accuracy of some aspects of the Osborne House gates citation.

### **1.4 Changes to the exhibited Amendment**

Having considered the submissions, Council proposed the following changes to the Amendment:

- Create a separate Heritage Overlay for the Osborne House gates
- Alter the extent of the Heritage Overlay boundary to include recent additions to the Memorial area
- Update the number of trees in the Avenue from 135 to 146
- Reference heritage citation sheets in Clause 22.09 (Cultural Heritage policy).

### **1.5 Issues dealt with in this Report**

The Panel has considered all written submissions made in response to the exhibition of the Amendment; as well as further submissions, evidence and other material presented to it during the Hearing, and observations from its site visit.

This report deals with the issues under the following headings:

- Planning Context
- Vietnam Veterans Avenue of Honour and Memorial Park
- Osborne House gates

## 2 Planning context

Council provided a response to the Strategic Assessment Guidelines as part of the Explanatory Report.

The Panel has reviewed Council's response and the policy context of the Amendment, and has made a brief appraisal of the overlay control and other relevant planning strategies.

### 2.1 Policy framework

#### (i) State Planning Policy Framework

Council submitted the Amendment is supported by the following clause in the SPPF:

Clause 15.03-1 *Heritage conservation* contains the following relevant strategies:

- *Identify, assess and document places of natural and cultural heritage as a basis for their conclusion in the planning scheme.*
- *Provide for the conservation and enhancement of those places which are of aesthetic, archaeological, architectural, cultural, scientific or social significance, or otherwise of special cultural value.*
- *Ensure an appropriate setting and context for heritage places is maintained or enhanced.*

#### (ii) Local Planning Policy Framework

Council submitted the Amendment supports the following local planning objectives:

- Clause 21.06-5 – *Heritage and identity* includes the objective to conserve and enhance individual places and areas of pre and post contact heritage significance.
- Clause 22.09 – *Cultural Heritage* specifies an objective to encourage the retention of culturally significant and contributory places within Heritage Overlay areas.

Council submitted the inclusion of the Vietnam Veterans Avenue of Honour and Memorial, and the Osborne House gates within the Heritage Overlay will achieve these strategies by maintaining an appropriate setting and context through:

- Requiring a permit trigger for most development
- Applying tree controls and external paint controls
- Considering development proposals that may affect the Avenue of Honour, Memorial and Osborne House gates under the provisions of Clause 43.01 (Heritage Overlay).

The Panel considers the basis of the Amendment has sound policy support in both the SPPF and LPPF.

## 2.2 Planning scheme provisions

### (i) Overlays

Clause 43.01 *Heritage Overlay* contains the following purposes:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To conserve and enhance heritage places of natural or cultural significance.*
- *To conserve and enhance those elements which contribute to the significance of heritage places.*
- *To ensure that development does not adversely affect the significance of heritage places.*
- *To conserve specifically identified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.*

Under the Heritage Overlay a planning permit is required to undertake demolition, subdivision, buildings and works (including signage).

The Schedule to the Heritage Overlay may identify whether tree and paint controls apply.

Council submitted that the Heritage Overlay is the most appropriate tool in the Victorian Planning Provisions to recognise and protect the heritage values of the Vietnam Veterans Avenue of Honour and Memorial Park and Osborne House gates. These places are well represented in planning schemes in Victoria. Currently 55 Avenues of Honour are listed within Heritage Overlays across the State. Council considered while the Significant Landscape Overlay and Vegetation Protection Overlay protect landscapes of ecological or aesthetic value; the Heritage Overlay is most appropriate tool to manage future development as it specifically considers the historic or social significance of the place.

Having regard to the place-type and statements of significance, the Panel is satisfied that the Heritage Overlay is the correct planning provision to apply for the Avenue of Honour, Memorial and gates.

## 2.3 Ministerial Directions and Practice Notes

### (i) Ministerial Directions

Council submitted the Amendment meets the relevant requirements of the following Ministerial Directions:

#### **Ministerial Direction No 11 - Strategic Assessment of Amendments**

The Amendment is consistent with Ministerial Direction 11 (Strategic Assessment of Amendments) and Planning Practice Note 46 (Strategic Assessment Guidelines).

#### **The Form and Content of Planning Schemes (s7(5))**

The Amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under Section 7(5) of the Act.

## **(ii) Planning Practice Notes**

Planning Practice Note 1 *Applying the Heritage Overlay* (the Practice Note) provides guidance regarding the criteria to be used when assessing the potential significance of places and ultimate inclusion within the Heritage Overlay.

Places included in the Heritage Overlay must be supported by clear and robust justification. The documentation for each place must include a statement of significance that clearly establishes the importance of the place and addresses specific heritage criteria.

Places can be of 'State significance' or 'Local significance', which are those places that are important to a particular community or locality.

The Practice Note provides specific guidance on drafting the Schedule to the Heritage Overlay including how to apply external paint controls, tree controls, internal alterations, identify aboriginal heritage places and allow consideration of prohibited uses.

It also gives direction about mapping a building, feature or tree on a large parcel of land.

## **2.4 Discussion**

The Amendment is supported by the SPPF and LPPF and adopts the Heritage Overlay as the most appropriate tool to apply to the Avenue of Honour, Memorial and Osborne House gates. It has applied the Heritage Overlay in accordance with the advice of the Practice Note in terms of heritage criteria and thresholds, mapping a curtilage and the application of tree controls within the Schedule to the Heritage Overlay.

## **2.5 Conclusion**

The Panel concludes the Amendment supports, and implements, the relevant sections of the SPPF and LPPF, and is consistent with the relevant Ministerial Directions and the Practice Notes. The Amendment is well founded and strategically justified, and the Amendment should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

## **3 Vietnam Veterans Avenue of Honour and Memorial Park**

### **3.1 The issue**

The issue is whether the Vietnam Veterans Avenue of Honour and Memorial Park, given its age and attributes, warrants inclusion within the Heritage Overlay. A further issue is the impact of the heritage listing on the future development of adjoining properties.

### **3.2 The place**

#### **(i) The Avenue of Honour**

The Vietnam Veterans Avenue of Honour (the Avenue) comprises 146 Ironbark trees located on both sides of Melbourne Road:

- on the east side a single line of trees between Mackey and Swinburne Streets, and
- on the western side a double strip of trees on either side of a wide bike path extending from the northern end of the North Geelong Railway Station parking area to further south of Swinburne Street (almost lining up with Vautier Street).

Signage is located on both sides of the road to signify the start and finish of the Avenue and metal inscribed inlays along the wide western bike/footpath, commemorating battles and operations during the War.

In 2015, the Avenue officially re-opened after a period of decline in attention and management of the site.

The Avenue is part of a larger boulevard planting along Melbourne Road (Princes Highway) comprising predominately Ironbarks, as well as other species further along the Road.

#### **(ii) The Memorial Park**

The Vietnam War Memorial Park (the Memorial), located near the corner of Swinburne Street and Melbourne Road and comprises a rectangular unpainted planter box (600mm high), vertical wall projecting from the centre and clad in polished granite. The Memorial and small park comprise:

- A curved exposed granite memorial walkway with brick edging (approximately 35 metres long and 4 metres wide)
- a Roll of Honour panel listing the names of 521 who died in the Vietnam War
- A poppy holder
- Three flagpoles
- Two seats.

The Memorial Park was officially opened on 17 May 2016.

The exhibited statement of significance for the Avenue and Memorial also included the Osborne House gates. After the exhibition, and in response to submissions, Council revised the statement of significance, removed reference to the Osborne House gates and the focus solely on the Avenue and the Memorial.

The amended statement of significance reads:

*What is significant?*

*The Vietnam Veterans' War memorial located at 241 Melbourne Road and 1-41 Swinburne Street, North Geelong (north east corner of Swinburne Street and Melbourne Road), has significance as the only memorial constructed in the City of Greater Geelong initially to commemorate the local soldiers who served, fought and died in the Vietnam War 1962-75. The Avenue is one of three known roadside Vietnam Veterans' Avenue of Honour in Victoria. The memorial was unveiled on 1<sup>st</sup> October 1995 by the Hon. Con Scaccia, then Federal Minister for Veterans' Affairs and Cr Gerry Smith, then Mayor of the City of Greater Geelong, three years after the opening of the National Vietnam Veteran's memorial in 1992.*

*The Vietnam Veterans' Avenue of Honour was initially planted in 1995 to commemorate those who served and died in the Vietnam War 1962-75. The original tree planting of 70 London Plane trees was carried out on the east side of the Melbourne Road. They were replaced in 1999-2000 as part of a redesign, with the new Avenue spanning both sides of the Melbourne Road generally between Swinburne Street and Mackey Street, North Geelong. Today the Avenue of Honour comprises 135 Eucalyptus sideroxylon (Ironbark) trees. The majority (105) have been assessed by the City of Greater Geelong to be in good health.*

*The planting also forms part of the broader Geelong Boulevard project that had commenced in 1991 and initiated by the former Shire of Corio and Geelong Regional Commission to address the landscape treatments of the various entrances to Geelong with the aim of beautifying and improving the aesthetic appearance of these entrances. The extent of the area to have designs produced was from Mercer Street to Hovell's Creek. The Avenue of Honour forms part of the broader streetscape beautification works known as the Geelong Boulevard project. The designs were produced by Mexted Rimmer Associates.*

*On the western side of Melbourne Road a section of the PTC railway reservation was transferred to VicRoads in the mid 1990s for landscaping purposes.*

*How is it significant?*

*The Vietnam Veterans Memorial Park that includes the war memorial, memorial walkway, roll of honour, poppy holder and the Avenue of Honour are historically and socially significant at a local level.*

*The Vietnam Veterans War Memorial is aesthetically significant at a local level.*

### *Why is it significant?*

*The Vietnam Veterans' Memorial Park that includes the War Memorial, memorial walkway roll of honour, poppy holder and Avenue of Honour at 241 Melbourne Road and 1-41 Swinburne Street, North Geelong, have historical significance for their associations with the locals who fought and died in the Vietnam War, 1962-75 (heritage criteria A and H). Although not erected and initially planted 20 years after the end of the war in 1995, the completed memorial was the culmination of a joint effort between the Geelong and District Vietnam Veterans' Association and the City of Greater Geelong in formally recognising the sacrifices made by local Vietnam veterans. The initial avenue of London Plane trees was replanted in 1999 with 135 Eucalyptus sideroxyloon (Ironbark trees). The historic significance is embodied in the extent and form of the Avenue of Honour, roll of honour and the war memorial. The Avenue of Honour is also a rare example in its associations with the Vietnam War, being the only known Avenue in Victoria that commemorates those who served in the Vietnam War.*

*The Vietnam Veterans Memorial Park that includes the War Memorial, memorial walkway and roll of honour is aesthetically significant as a visual and commemorative landmark beside the major road entry into the City of Geelong (Criterion D), as defined by the late 20<sup>th</sup> century brick and black granite design.*

*The Vietnam Veterans' Memorial Park that includes the War Memorial, memorial walkway, roll of honour and the Avenue of Honour, at 241 Melbourne Road and 1-41 Swinburne Street, North Geelong, are socially significant as highly important markers that commemorate the contribution made by local men and women in the Vietnam War 1962-75 (criterion G). It is recognised and valued by the Vietnam Veterans Association and the wider local community for this reason.*

### **3.3 Submissions**

Mr Msonda-Johnson, representing the owners and occupiers of 265 Melbourne Road, North Geelong objected to the application of the Heritage Overlay along the road reserve. He provided a context of his client's site in relation to the Avenue of Honour.

The site at 265 Melbourne Road is located at the northern end of the Avenue of Honour, on the corner of Mackey Street and Melbourne Road. It has a frontage of 230 metres along Mackey Street and 155 metres along Melbourne Road. The site occupies a glass manufacturer who provides parts for local car manufacturing. Given the changes to the car industry, they are now looking at other manufacturing opportunities for the site. He submitted that these opportunities would require future access directly onto Melbourne Road.

Mr Msonda-Johnson submitted that while his clients have no plans at this stage, they are seeking to retain as much flexibility as possible. At the Hearing, he described the possible configuration of buildings and access. The introduction of the Heritage Overlay along the

Melbourne Road frontage will reduce opportunities to provide access to the site and it was “difficult to proceed with a high degree of comfort”.

Mr Msonda-Johnson submitted they are looking to retain unencumbered road reserve to provide them with the best opportunity to take advantage of the site, including the potential re-opening of redundant crossovers from the site onto Melbourne Road. He submitted his client requires more clarification from Council about how Council would assess an application that involved removal of the trees and requested the proposed tree controls be removed from the Schedule to the Heritage Overlay.

He did not dispute the basis of significance, although the written submission contained an assessment of the statement of significance, undertaken by Dr Tom Brigden of the firm Purcell. This assessment states:

*In our opinion, it is fair to suggest that the Vietnam Veteran’s Memorial and Avenue of Honour have local historical, social and aesthetic significance. In particular, we acknowledge the tremendous importance such a memorial will hold in the act of remembrance and to local people directly and indirectly affected by war.*

*However, we question whether the amendment of the planning scheme to create a new heritage Overlay is warranted given that the current avenue dates only to the re-landscaping of 1999/2000. Furthermore we note that the proposed Heritage Overlay map appears to adopt an arbitrary boundary, neither related to the area of the original avenue (completely removed) nor to the full extent of the wider Boulevard Precincts 1999/2000 re-landscaping ... the citation does not give further detailed information on how the proposed boundary has been determined.*

Mr Nieuwenhof of the Vietnam Veterans Association provided a detailed list of events leading to the establishment of the Avenue of Honour and Memorial from 1993 and explained after 1998 the Avenue was ignored, resulting in trees dying and a series of intrusions into the space including commercial and community signage and planting which did not respect the avenue. These signs were removed and Council suggested the avenue should be included in the Heritage Overlay.

As part of the 50-year commemoration of the Battle of Long Tan in August 2016 the Avenue and Memorial were restored and dedicated. Mr Nieuwenhof submitted the Avenue of Honour and Memorial is an essential part of the heritage of Geelong and is a tangible legacy for those who died. The place deserves to be protected under the Heritage Overlay, despite its age. He strongly opposed the suggested removal of the tree controls, as the trees are an integral part of the Avenue.

The Association intend to undertake further works to enhance the Avenue including the addition interpretive panels, benches and the like.

Another written submission from a widow of a Vietnam Veteran supported the Amendment and commended Council in its efforts to protect the commemorative area for the Veteran community.

Although their primary interest in the Amendment was the Osborne House gates, Mrs Bantow of the Geelong and Region National Trust and Mr Charles of the Osborne Park Association supported the Heritage Overlay on the Avenue and Memorial, and supported a separate HO for the gates. Mrs Bantow noted the Vietnam War Memorial and gates were previously identified in a 1998-2000 heritage study commissioned by Council.

Council maintained the Avenue and Memorial are significant to Geelong as set out in the statement of significance. While the place is younger than most heritage sites, the Memorial commemorates events that occurred 50 years ago and its historical and social significance is directly linked to those events. They cited the HMAS Sydney II memorial in Geraldton, Western Australia, dedicated in 2001 and included in the respective Municipal Heritage Inventory, as another example of a recent memorial protected for its heritage significance.

In response to the issues raised in Mr Msonda-Johnson's submission, Council submitted it is unlikely the Heritage Overlay will be a determinative factor in the redevelopment of the industrial site. The proposed Heritage Overlay, located on the road reserve adjacent to the site, would be a relatively minor consideration in the context of other issues under the Industrial 2 Zone, Design and Development Overlay 20 and clause 65.01.

Council confirmed the submitter had not presented a specific development concept to them. While they acknowledged existing buildings on the site had historically enjoyed vehicular access directly onto Melbourne Road, these had been closed and the access doors fenced off. Any future proposal to provide vehicular access would require the approval of VicRoads, and would be considered in the context of today's conditions.

Council submitted the changes to the Amendment, separating the Vietnam Veteran commemorative features and the Osborne House gates into two separate citations and Heritage Overlay listings, will more appropriately recognise these places. The post exhibition changes also involve listing 146 trees in the tree controls column instead of 135 and slightly expanding the map to cover all of the Memorial Park features.

### **3.4 Discussion**

The primary consideration is whether the Avenue and Memorial have heritage significance. The next issue to consider is the impact of recognising it within the Heritage Overlay.

The purpose of the Heritage Overlay is to recognise, protect and manage places of heritage significance to a local (or wider) area. Neither criteria in the Planning Practice Note, nor the purpose of the Heritage Overlay specifies an 'age' or period of time that constitutes 'heritage', although 25 years or a generation is typically used. That said there are many examples in Heritage Overlays of reasonably new places, which are considered important and worthy of recognition and the Panel notes Council's comparisons with recent memorials. As stated in the Hearing by Mrs Bantow, 'heritage' is different to history; 'heritage' *'is something that is to be inherited'*, to be passed down from generation to generation. The Avenue of Honour and Memorial clearly fall into this category.

The Panel finds the Avenue of Honour and Memorial is of social and historical significance. It is unconventional in the sense that it is a new memorial (compared with those from World War 1 and World War 2) and the Iron bark trees are part of an extended planted area along Melbourne Road. The trees are not individually associated with particular individuals and

the rationale of the exact boundaries is guided by the location of the Memorial, as well as practical considerations such as the location of the bus stop at its southern end. However, the Panel recognises the Avenue is an important commemorative place for the Veterans and wider community to acknowledge those who fought and died in the Vietnam War. It is a place that is continuing to evolve and consolidate and will be passed from one generation to the next.

The Panel understands that Council has found it necessary to recognise and place controls to manage and protect the Avenue from intrusions that the Avenue has previously experienced. The Heritage Overlay is the appropriate tool to manage this process.

On the issue of the impact of the Heritage Overlay on future development at 265 Melbourne Road, the Panel notes that no plans have been submitted to Council or were presented to the Panel in support of the submission.

At the Hearing, the Panel heard a description of, no more than, hypothetical plans from Mr Msonda-Johnson. Irrespective of the whether the Heritage Overlay is applied, any future development would need to consider a range of variables. These would include whether Council would permit the removal of street trees in the Avenue irrespective of the Heritage Overlay (as they are an asset of Council). Another variable is whether VicRoads or Council would consent to the reinstatement of crossovers and access directly onto Melbourne Road, having regard to the traffic conditions of the highway and the fact there is no service road along this frontage (unlike most other frontages in proximity to this site). The Panel notes that the site is situated on a corner with a 230 metre frontage onto Mackey Street (and 155 metre frontage to the highway) and in terms of access the site has various options.

The impact of the Heritage Overlay on future development options should be considered at the design and planning permit stage. These plans should take into account all of the planning issues that influence the site. Realistically, future development of the site will need to consider the Avenue of Honour anyway as it is a formal, recognised war memorial. The Heritage Overlay will provide additional clarity and decision making framework for Council and the owners of 265 Melbourne Road to consider and factor into their plans, an improvement on the present, unclear situation.

One of the key drivers of the Amendment is to protect the trees. In this context, the tree control should remain in the Schedule, as exhibited.

The Panel accepts the post exhibition changes to the Heritage Overlay map to incorporate the recent additions to Memorial Park. It agrees that the Osborne House gates are historically unrelated to the Avenue and Memorial and, in this context, the citation and Heritage Overlay listing should reflect this.

### 3.5 Conclusions

The Panel concludes:

- The Vietnam Veterans Avenue of Honour and Memorial Park is of historical and social significance.
- Impacts on future development plans of abutting properties is not a reason to reject the Heritage Overlay.
- Tree controls should apply to the Avenue of Honour.
- The mapping, citation and schedule changes proposed by Council to separate the Osborne House gates are justified.
- The post exhibition changes listing of 146 trees is supported.

The Panel makes the following recommendations:

1. **For the Vietnam Veterans Avenue of Honour and Memorial Park:**
  - a) **Amend the Schedule to the Heritage Overlay to list the Vietnam Veterans Avenue of Honour and Memorial separately from the Osborne House gates.**
  - b) **Amend the Heritage Overlay Map to exclude the gates and extend the extent of the overlay southwards and eastwards to include all of the features in the Memorial Park.**
  - c) **Update the “Tree Controls Apply?” column in the Schedule to the Heritage Overlay to amend the number of trees from 135 to 146.**
  - d) **Include the revised Heritage citation in Clause 22.09 as a reference document.**

## 4 Osborne House gates

### 4.1 The issue

The issue is whether the Osborne House gates should be listed separately from the Vietnam Veterans Avenue of Honour and Memorial Park. The Amendment has also raised issues regarding materials and matters of historic detail.

### 4.2 The place

The bluestone and cast iron nineteenth century gates are located at the edge of Osborne Park and were previously the entrance gate to the property known as 'Osborne Park'. The historic Osborne Park house, is located approximately 370 metres from the gates and is included on the Victorian Heritage Register. The gates are located immediately adjacent to the Vietnam Veterans Avenue of Honour and in close proximity to the Memorial Park.

*What is significant?*

*The bluestone pillar and cast iron gate is located at 241 Melbourne Road and 1-41 Swinburne Street, North Geelong (located near the north-east corner of Swinburne Street and Melbourne Road).*

*It has not been established whether the gateposts were built by the Muirheads, then the owner of Osborne House in 1857/58 or whether they were added during the 1890s. The gates are predominantly intact even though it has been relocated slightly from its original position.*

*The gates have significance as the (Melbourne Road) gates were originally connected with Osborne House located at 51 Swinburne Street, North Geelong fronting Corio Bay.*

*How is it significant?*

*The Osborne House gates are aesthetically and historically significant at a local level.*

*Why is it significant*

*The Osborne House gates are historically significant as an early and significant entrance to Osborne House. As part of a scheme to widen the Melbourne Road, the bluestone gates to Osborne House were relocated approximately 33 feet (10 metres) north-east from their original position by the Corio Shire Council in 1928-29 and the driveway angled at the western end to access the offset entry gates. The gates stand at a short distance north of the Vietnam memorial on the frontage to Melbourne Road. It has not been established whether the gateposts were built by the Muirheads, or whether they were added during the 1890s, when the Osborne House estate reached its largest extent under the ownership of Phillip Russell. However, the design and construction indicates that they were built in the 19<sup>th</sup> century.*

*The Osborne House gates are aesthetically significant as they comprise six massive square pillars constructed of large rusticated bluestone blocks. The*

*central pillars stand at 2.5 metres [in] height and the side pillars at 2.3 metres with a pair of cast iron gates, with some cast iron details, in the centrally located carriageway entrance. Two pedestrian gates flank the carriage gates on either side. These in turn are flanked by a curving wall surmounted by wrought iron picket spear-capped balustrade to the end pillars.*

*The gates front directly onto Melbourne Road and are located approx[imately] 20 metres north from Swinburne Street. The gates are presently non-functional.*

### **4.3 Evidence and submissions**

Council outlined the importance of the gates and some technical changes to the mapping and Schedule to the Heritage Overlay to separate the Vietnam Veterans Avenue of Honour and Memorial Park from the gates.

Mr Charles of Osborne Park Association submitted the gates are an integral link with the mansion and form an important part of the complex. He supported them being recognised in a Heritage Overlay. He supported the listing of the Avenue and Memorial, noting these places have unrelated histories to the gates and should be listed separately.

Mrs Bantow of the Geelong and Region Branch of the National Trust submitted while it is administratively logical to include all three elements because of their proximity, the place would be better understood if the gates were separately listed from the Avenue and Memorial. Both Mr Charles and Mrs Bantow supported the revised citation and mapping.

Based on information tabled at the Hearing, Mrs Bantow suggested the following:

- The Gates should be referred to as the Osborne Park gates, as referred to in the 2009 Conservation Management Plan by Lovell Chen prepared for the City of Greater Geelong. A copy of an early photograph was also tabled, which showed the name “Osborne Park” on the piers of the gates.
- The extent of the current Victorian Heritage Register listing should add the park and the gates so that the whole complex of the house, gates, stables and sports grounds, which historically comprises “Osborne Park”, are appropriately understood.
- The heritage citation and the Schedule to the Heritage Overlay should refer to “cast iron” not “wrought iron”.

### **4.4 Discussion**

The significance of the gates was not in dispute and the Panel accepts the gates are historically and aesthetically significant and have a historical and tangible relationship to the mansion known as “Osborne Park”.

Based on the information provided during the Hearing, the Panel agrees with Mrs Bantow that the name of the gates would be more accurately recorded as the “Osborne Park” gates.

On the issue of formally recognising the relationship of the elements within the “Osborne Park” complex, including the house, stables, gates and sports grounds, this is a separate issue and technically not for consideration as part of this Amendment as the house is on the Victorian Heritage Register. However, the Panel notes under the Heritage Act 1995 the

Council, National Trust or another party could apply to have the extent of registration reviewed and amended in light of the findings of the 2009 Conservation Management Plan and the listing of the gates through this Amendment. It is the Panel's view that listing all of the elements that make up the complex (in a historic context) makes sense and their appreciation and management would consider the relationship of all these elements. That said, the separate listing of the gates in this Amendment should proceed.

#### **4.5 Conclusions**

The Panel concludes:

- The gates should be referred to as "Osborne Park" gates
- The gates warrant inclusion within the Heritage Overlay
- The gates should be separately listed from the Vietnam Veterans Avenue of Honour and Memorial Park
- The Schedule to the Heritage Overlay should refer to "cast iron" in the paint and outbuilding controls.

#### **4.6 Recommendations**

The Panel makes the following recommendations:

- 2. For the Osborne House gates:**
  - a) Include the gates in a separate Heritage Overlay, both on the Heritage Overlay map and within the Schedule to the Heritage Overlay.**
  - b) List the name of the gates as "Osborne Park gates" in the Heritage Overlay.**
  - c) Amend the Schedule to the Heritage Overlay to refer to "cast iron" instead of "wrought iron".**
  - d) Amend the post exhibition citation for the gates to refer to "Osborne Park gates" instead of "Osborne House gates".**
  - e) Include the heritage citation for the gates as a reference document in clause 22.09.**

## Appendix A Submitters to the Amendment

No.	Submitter
1	Geelong and Region Branch, National Trust of Australia (Victoria)
2	National Trust of Australia (Victoria)
3	Osborne Park Association
4	Roberts Day for 265 Melbourne Road Pty Ltd
5	Mrs Pamela McGrath
6	VicRoads (withdrawn)
7	Geelong and District Vietnam Veterans Association of Australia

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