

GREATER GEELONG PLANNING SCHEME

AMENDMENT C365

RESOLUTION TO REFER SUBMISSIONS TO A PANEL

UNDER DELEGATION FROM COUNCIL I HEREBY RESOLVE TO:

- 1) Request the Minister for Planning to appoint an Independent Panel under Part 5 of the Planning and Environment Act 1987 to consider submissions relating to the amendment;
- 2) Refer all submissions to a Panel; and
- 3) Submit to the Panel its response to the submissions as outlined in this report.

SIGNED:.....

Peter Smith

DATE:.....

24 May 2017

**PETER SMITH
COORDINATOR STRATEGIC PLANNING, CITY DEVELOPMENT**

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DELEGATED AUTHORITY REPORT
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To: Peter Smith – Coordinator Strategic Implementation
From: Susan Williamson – Senior Strategic Planner
Subject: Consideration of Submissions under Delegation
File number: C365
Date of Report: 22 May 2017

Purpose

The purpose of this report is to consider submissions under delegation as a result of exhibition of Amendment C365.

Summary

- Amendment C365 seeks to apply the Heritage Overlay to three precincts and 5 individual places within the Newtown West area on a permanent basis.
- The Amendment is the result of the Newtown West Heritage Review 2016 (Review), which was commenced post Amendment C300 which itself introduced the then new residential zones into the Greater Geelong Planning Scheme.
- On 22 November 2016 Council considered a report on the Review and resolved to proceed with an amendment and to also request the Minister for Planning's assistance with interim heritage overlays.
- An interim overlay via Amendment C364 was requested in December 2016, but was declined by the Minister for Planning's delegate in March 2017 on the basis that there was insufficient development growth in the area to warrant interim controls.
- Amendment C365 to apply the permanent controls was authorised by the Minister's delegate and was exhibited from 23 February to 27 March 2017.
- Sixteen submissions have been received – eleven submissions supporting the amendment and five submissions opposing parts of the amendment (including one petition opposing inclusion of the Great Western Hotel in the heritage overlay).
- The submission and petition objecting to the application of the Heritage Overlay to the Great Western Hotel is not supported. No opposing heritage evidence has been submitted disputing the statement of significance identified in the Review.
- Three other submissions oppose the application of Precincts and the costs this will impose on landowners; the inclusion of only one side of Upper Skene Street in a precinct; and their inclusion within the Upper Skene Street Precinct.
- Submissions from local residents and the National Trust of Australia (Victoria) support the amendment and the protection of the heritage of

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the area which is characterised by single/double storey dwellings with garden settings and large trees. These are greatly valued and supporting submitters consider that the Amendment will ensure any changes and extensions are in sync with this local character.

- In accordance with the Planning and Environment Act 1987, Council must either: change the amendment in the manner requested by the objecting submission; refer submissions to an Independent Panel appointed by the Minister for Planning; or abandon the amendment or part of the amendment.
- Council officers believe the heritage significance of the proposed three precincts and five individual properties has been well established by the expert heritage assessments undertaken by Authentic Heritage Services Pty Ltd & Wendy Jacobs, Architect and Heritage Consultant. There is community support for the overlays. The opposing submitters have not submitted any heritage advice that these areas are not of local significance.
- Council officers do not recommend any changes to the Amendment in response to submissions.
- It is recommended that the submissions be referred to an Independent Panel appointed by the Minister for Planning for review.

Recommendation

That Council's delegate having considered all submissions to Amendment C365 resolves to:

- 1) Request the Minister for Planning to appoint a Panel under Part 8 of the Planning and Environment Act 1987;**
- 2) Refer all submissions on Amendment C365 to the Panel; and**
- 3) Submit to the Panel its response to the submissions generally as outlined in this report.**

Background

During the implementation of the then new residential zones by Amendment C300, the Newtown West Action Group became involved in the future of this area and submitted to the Independent Panel that the area's heritage values had not been addressed in earlier heritage studies in Newtown. Louise Honman of Context Consultants was engaged by the Action Group to appraise the heritage of the area and provide expert evidence. The C300 Panel noted "*Ms Honman's evidence that this area warrants 'a full heritage assessment' and encourages Council to give consideration to commissioning this work to investigate whether the HO should be applied.*" (page 32 C300 Panel Report).

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Council subsequently resolved to undertake a heritage review for the Newtown West area in 2014. The review was completed in 2016 and recommended a Heritage Overlay be applied to:

- Newtown West heritage area (58 places in draft – 56 post public notification)
- Upper Skene Street heritage area (34 places)
- West Melbourne Road heritage area (13 places)
- 177 Aberdeen Street - hotel
- 15 Nantes Street – dwelling
- 31 Nantes Street – dwelling
- 321-323 Shannon Avenue – semi-detached dwellings
- 325 Shannon Avenue - dwelling

The Newtown Housing Commission Estate (60 places) was also identified as significant but not recommended for inclusion in a heritage overlay.

The draft Review underwent an informal notification process with supportive and objecting comments received. Some changes were made to the Review, and at its meeting of 22 November 2016, Council resolved to:

- 1) Adopts the Newtown West Heritage Review, 2016;*
- 2) Requests the Minister for Planning authorise the preparation of an amendment as detailed in this report; and*
- 3) Requests the Minister for Planning exercise powers under Section 20(4) of the Planning and Environment Act 1987 by applying an interim Heritage Overlay to the identified places while the formal Planning Scheme Amendment is prepared and considered.*

In December 2016 officers lodged a request with the Minister for Planning seeking the application of interim heritage controls whilst the permanent amendment was going through the amendment process. This request was declined in March 2017 as there is insufficient growth pressure in Newtown West to warrant interim provisions. Council was advised that there is an opportunity to apply for an individual site interim control if a request for demolition is lodged on a significant site identified in the Review.

A plan showing the proposed extent of the Heritage Overlay changes is at **Appendix 1**.

Discussion

The Amendment was exhibited from 23 February to 27 March 2016. Sixteen submissions were received. Eleven submissions supported the Amendment and five objected to the Amendment (including one petition lodged prior to exhibition which was agreed to be treated as and accepted as a submission).

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A detailed summary of submissions and Council officers' response is in **Appendix 2**. The following is an overview of the submissions and responses.

Objecting Submissions

Great Western Hotel

Two of the objecting submissions (individual submission and petition submission) were received about the heritage overlay proposed for the Great Western Hotel. These submissions object to the Amendment for the following reasons:

Submission: *The heritage overlay will burden the property and is unfair.*

Council Officer Response

A combination of tools have been included in the Amendment to reduce as much as possible any "burden" of the heritage overlay that is felt by the landowner. This includes an incorporated plan and use of the prohibited uses column in the schedule to the heritage overlay.

Submission: *The proposed heritage overlay to the building comes about from an inherent bias in the Review.*

Council Officer Response

Application of the heritage overlay to the Great Western Hotel is a reasonable outcome from the results of the Review.

The recommendation for the heritage overlay is based on sound research and analysis in line with current best practice. The site would not have been recommended for an overlay if it was considered that it would not stand up to scrutiny as part of the planning scheme amendment process.

Submission: *Current planning controls do not allow for recognition of the cultural associations of the site, its previous uses and its history independent of the fabric of a structure, without imposing controls over the fabric of a building or structure.*

Council Officer Response

The significance of the building is embodied in the physical fabric of the site. Historically part of its significance is evident through the design, materials, overall form – a building exists on the site and this building represents the social and historical significance. The building fabric, which is also significant, can be managed through the heritage overlay, and it is appropriate to apply the heritage overlay in this situation.

Submission: *The overlay does not recognise aesthetic values, even though the Review identifies that the site is "...historically and aesthetically significant ...". The building on the land does have some aesthetic value, although not exceptional, and the history of the site will not change if no overlay is applied.*

Council Officer Response

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One of the purposes of the Heritage Overlay is “to conserve and enhance those elements which contribute to the significance of heritage places”. The decision guidelines of the Overlay include consideration of matters such as whether the location, bulk, form, character or appearance of a proposal will affect the heritage significance of the place. Combined, these provisions of the Overlay anticipate consideration of ‘aesthetic’ matters when changes to the fabric of a building are proposed and the consideration of the impact this has on its heritage significance. The term ‘aesthetic’ is not used in the Heritage Overlay or in Council’s Cultural Heritage policy at clause 22.09 as it is a subjective term, rather, it is the definable parameters of building form, materials, height etc that are identified.

Officers disagree with the submission that the history of the site won’t change if no overlay is applied – there is the potential that it could be demolished and the site redeveloped and the tangible, embodiment of the history is then lost.

The submitter states the aesthetic value is “not exceptional” but hasn’t provided any evidence from a suitably qualified heritage expert to support this.

Submission: *Other comparable hotels identified in the Review are not subject to heritage controls. Why then the Great Western Hotel?*

Council Officer Response

The comparative analysis undertaken for the Great Western Hotel identified 6 other hotels from the interwar era, of which 3 were designed by the same architects. It is acknowledged that only 2 of these 6 other hotels are included in the heritage overlay. The lack of a heritage overlay applying to the remaining four doesn’t mean this one, the Great Western Hotel, shouldn’t be included in the heritage overlay. It has been assessed as being of local significance and this is to be recognised with proposed inclusion in the heritage overlay.

Submission: *Planning permits are already required for the Hotel and assessment of the aesthetic impact of proposed changes to the building fabric can be made under this ‘umbrella’. Land use & buildings and works controls are used to control and influence design solutions and will not change if heritage controls are not imposed.*

Council Officer Response

Officers agree that current planning provisions do require a planning permit to be obtained for buildings and works at the Hotel and matters of design and amenity are a relevant consideration in determining any application. This will still occur if the heritage overlay is applied. What can’t be addressed without a heritage overlay is the impact that any changes would have on the heritage significance of the Hotel.

The consideration of an application and ultimate permit conditions must relate to the trigger for a permit – other matters are difficult to draw into this process. Without a heritage overlay, the individual heritage significance of the Great Western Hotel can’t be considered in a permit application.

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Submission: *The imposition of the controls will undermine the value of Clause 43 and erodes its integrity in the eyes of the community.*

Council Officer Response

Council officers disagree with this claim. Use of the heritage overlay as a planning scheme tool to identify and manage changes to heritage places is an accepted and encouraged planning practice. Council ignoring the expert and independent recommendations of an adopted heritage study would undermine the community's confidence in Clause 43.01 of the Scheme.

There are thousands of properties in the heritage overlay demonstrating the widespread commitment of Greater Geelong to the protection this affords the municipality's heritage. In Newtown West there is an active community group that has supported the Review and the amendment.

Proposed Heritage Precincts

Objecting **Submissions 3 and 4** were received from the owners of property in the Upper Skene Street Precinct.

Submission: *Significant properties to an era of architectural style should be singled out and listed rather than a blanket overlay applied.*

Council Officer Response

Council officers disagree with this submission. Individually significant properties have been identified and where relevant, included in a separate Heritage Overlay. It is common heritage practice to identify areas or precincts that as a group provide a context about the historical development and significance of distinct areas. The Upper Skene Street Precinct meets the threshold of significant properties to warrant being described as a precinct suitable for inclusion in the Heritage Overlay and worthy of protection.

Submission: *South side of Upper Skene Street has post WW2 architecture and should not be included.*

Council Officer Response

Officers disagree that the presence of post WW2 buildings has not detracted from the integrity of the Precinct. The Statement of Significance for the Upper Skene Street Precinct identifies that the precinct is "especially defined by interwar Bungalow styled dwellings, and to a lesser degree, Late Victorian and Federation styled houses." The Statement goes on to identify that there "are a small number of dwellings built after the 1940s. They are: 15, 17, 33 and 1,2,3/49 Upper Skene Street".

The Precinct includes 34 sites of which 22 contribute to the historical, architectural and/or aesthetic heritage values of the precinct. A further 4 have been altered but have early designs and historical contributions that are discernible to the Precinct. The Precinct is of moderate-high integrity.

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Submission: *Two contributory properties at 43 and 47 Upper Skene Street have been demolished since the study was commissioned.*

Council Officer Response

Officers note that these buildings have been demolished and that the loss of the original houses on these sites is unfortunate as this preceded the Newtown West Heritage Review and Amendment C365. These sites are not on the edge of the Precinct and are recommended to be removed. Although they are vacant they are more centrally located within the Precinct and it is logical that the overlay should apply so new development is in-keeping with the identified character of the area.

These vacant sites are non-contributory places and are also retained in the Precinct because any development of these places may impact on the cultural heritage significance of the precinct or adjacent 'significant' or 'contributory' heritage places.

Submission: *The streetscape has been eroded by the number of non-conforming buildings on the north side of Upper Skene Street.*

Council Officer Response

Officers note that this was a major factor to exclude this part of Upper Skene Street from a heritage precinct.

The level of integrity of the north side of Upper Skene Street is not as strong as the south side. It was largely developed at a later time with fewer dwellings constructed there by the mid 1930s, with large vacant allotments in the eastern, central and western parts. The development of the western end of the north side of Upper Skene Street in the late 1930s has also since been compromised by a number of forward projecting carports. Hence, the identification of only the south side of the Street as being historically significant.

There are a small number of other heritage precincts in Geelong where only one side of a street is included in the Heritage Overlay e.g. HO1926 further south in Shannon Avenue. It is the significance and level of integrity that will determine inclusion in a precinct rather than the 'symmetry' on a map.

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Another objecting submission, **Submission 2**, from a landowner within a Precinct doesn't make a specific objection about the proposed precinct per se but does object:

Submission: Enjoyment of own property means being able to determine what is appropriate. Respects restoring old homes in keeping with their heritage, but there are also positives to change and progress.

Council Officer Response

The Heritage Overlay is being applied as there has been an assessment of the heritage significance of the area and this is to be recognised with an appropriate tool in the Planning Scheme.

Officers agree that there are positives to change and progress. Scope exists under a Heritage Overlay and the proposed local planning policy to undertake new development which responds to the historical significance and character of the area. Modern interpretation is encouraged in new development. The Overlay is a means of managing change whilst respecting the heritage values of an area.

Submission: Costs and time will be added to development under a heritage overlay – okay for some places but unnecessary for a precinct.

Council Officer Response

Officers agree that there are costs in obtaining a planning permit, but these are a small percentage of the overall development cost. The heritage outcomes gained from application of the heritage overlay provide a net community benefit and this balances the individual cost.

As part of an application, or even before that in a pre-application phase, Council provides free-of-charge the services of a Heritage Advisor.

Council has a statutory time frame for considering applications. Council is always seeking to consider and decide on applications within a timely manner. Additionally, there are various classes of applications that are VicSmart applications such as constructing a fence, external alterations to a non-contributory building, some subdivision and carports, garages and verandahs, these being processed in 10 days. Routine maintenance and repairs do not require a planning permit e.g. replace timber framed windows with timber framed windows of the same dimension/style and in the same location.

Supporting Submissions

The supporting submissions are from local residents and the National Trust of Australia (Victoria). They support the amendment and the protection of the heritage of the area. The heritage and character of the neighbourhood, which is characterised by single/double storey dwellings with garden settings and large trees is greatly valued and supporting submitters consider that the Amendment will ensure any changes and extensions are in sync with this local character.

Council Officer Response

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The majority of individual submissions received about Amendment C365 support the heritage overlay being applied as exhibited. The support for the overlay and the accompanying local policies is acknowledged as a way of managing change in a sympathetic way.

The points raised in all submissions have been considered. Officers consider that no changes to the exhibited amendment or abandonment of the Amendment are warranted. As it is recommended that the Heritage Overlays proposed in the Amendment be supported, referral to an Independent Panel for review will be required.

Environmental Implications

The proposed amendment will not have any adverse effects on the environment.

Financial Implications

There are no financial implications to Council beyond the cost associated with a planning scheme amendment.

Policy/Legal/Statutory Implications

The amendment will result in a good planning outcome ensuring the preservation of a locally significant heritage building.

The amendment will achieve the objectives of the State Planning Policy Framework at Clause 15.03-1 (Heritage conservation) by ensuring the conservation of places of heritage significance.

The Amendment will achieve the objectives of the Local Planning Policy Framework (LPPF) including:

Clause 21.06-5 Heritage and Identity includes an objective “to conserve and enhance individual places and areas of pre and post contact cultural heritage significance” with relevant strategies.

Clause 22.09 Cultural Heritage is a local policy that applies to all properties affected by a Heritage Overlay and hence would guide decision making on the precincts and individual properties in Newtown West area if included in the Heritage Overlay. This amendment will help achieve the Council cultural heritage objectives and implement the strategies identified in Clause 22.09.

Alignment to City Plan

The Amendment is consistent with the strategic direction of community Wellbeing and the priority of connected, creative and strong communities.

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Officer Direct or Indirect Interest

No Council Officers have any direct or indirect interest, in accordance with Section 80(c) of the Local Government Act.

Risk Assessment

There are no risks associated with implementing the recommendation contained in this report.

Social Considerations

The amendment will have a positive social effect through the protection of heritage places in the Newtown West area for the benefit of current and future generations.

A couple of submitters have identified that the amendment will have a negative impact on their properties and new development options. However, it is considered that the heritage overlay and accompanying local planning policy will guide how new development should be undertaken.

Human Rights Charter

The Amendment will not impact on any basic rights, freedoms and responsibilities as set out in the Charter. Planning legislation ensures an open community consultation process occurs, enabling people to freely express their views and if necessary obtain a fair hearing before an Independent Panel.

Consultation and Communication

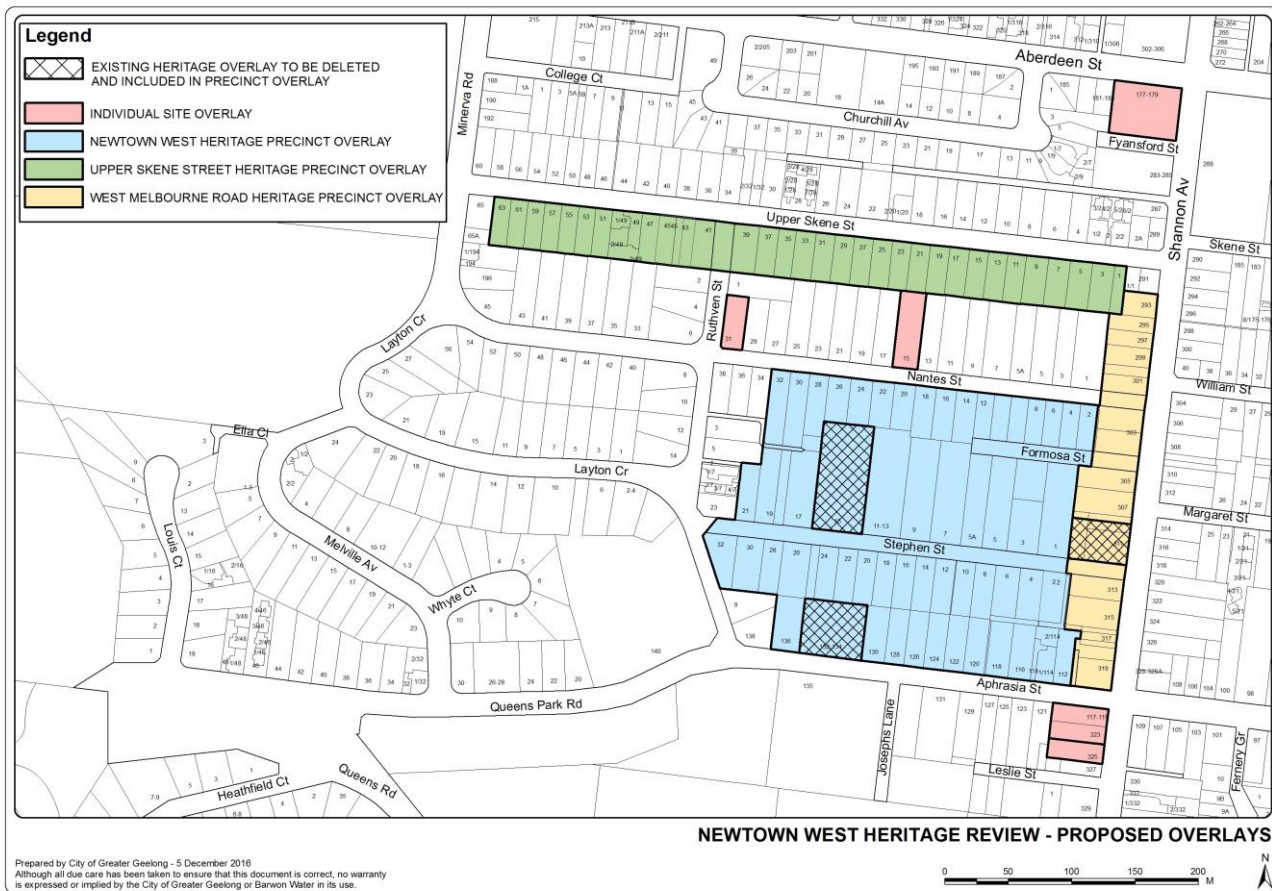
The Amendment has been exhibited in accordance with the provisions of the Planning and Environment Act 1987 to provide for full public comment.

The proposed independent Panel hearing provides submitters with the opportunity for their submissions to be independently reviewed. When a Panel is appointed, submitters will receive letters from Planning Panels Victoria advising of dates for the Directions Hearing and Panel Hearing.

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Attachment 1

Consolidated Heritage Overlay Map



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Appendix 2

Amendment C365 – Summary of Submissions

No	Name	Address	Type	Summary of Submission	Officer Response
1	Vicki and Jamie Baensch	Nantes Street, Newtown	Support	Supports the overlay to protect the valued heritage and character of the neighbourhood, which is characterised by single/double storey dwellings with garden settings and large trees. Overlay will ensure any changes and extensions are in sync with this local character	Support noted.
2	Sophy Chirnside	Stephen Street, Newtown	Object	<p>Newtown Action Group hasn't provided statistics to support argument that the heritage overlay will protect property investment.</p> <p>Enjoyment of own property means being able to determine what is appropriate. Respects restoring old homes in keeping with their heritage, but there are also positives to change and progress.</p> <p>Heritage overlays add costs and timeframes – may be relevant for some places in the precinct but unnecessary for entire precinct.</p>	<p>The Heritage Overlay is being applied as there has been an assessment of the heritage significance of the area and this is to be recognised with an appropriate tool in the Planning Scheme.</p> <p>There is scope within the Heritage Overlay and local planning policy to undertake new development which responds to the historical significance and character of the area. Modern interpretation is encouraged in new development.</p> <p>There are costs in obtaining a planning permit – for a typical residential extension the application fee is \$1,212.80 for a development between \$100K and \$500K. Advertising of an application incurs fees of \$3 per letter and \$10 per sign. Not all applications within a Heritage Overlay are advertised so these fees may not apply.</p> <p>These fees are a small percentage of the overall development cost. The heritage outcomes gained from application of the</p>

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No	Name	Address	Type	Summary of Submission	Officer Response
					<p>heritage overlay provide a net community benefit and this balances the individual cost. It is also noted that these fees equally apply to all within the heritage overlay.</p> <p>As part of an application, or even before that in a pre-application phase, Council provides free-of-charge the services of a Heritage Advisor. So there is no cost to an applicant to gain heritage advice about a proposal or to achieve good heritage outcomes.</p> <p>Routine maintenance and repairs which do not change the appearance of the heritage place; e.g. replacing “like with like” do not require a planning permit e.g. replace timber framed windows with timber framed windows of the same dimension/style and in the same location.</p> <p>Council has a statutory time frame for considering applications. Council is always seeking to consider and decide on applications within a timely manner. Additionally, there are various classes of applications that are VicSmart applications such as constructing a fence, external alterations to a non-contributory building, some subdivision and carports, garages and veranda’s. VicSmart applications are to be processed in 10 days.</p>
3	Robert Clark	Upper Skene Street, Newtown	Object	Significant properties should be singled out rather than a blanket overlay applied.	Individually significant properties have been identified and where relevant, included in a separate Heritage Overlay. It is common heritage practice to identify areas or precincts that as a group provide a context about the historical development and significance of distinct areas. To preserve this and protect the area from inappropriate development

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No	Name	Address	Type	Summary of Submission	Officer Response
				<p>South side of Upper Skene Street has post WW2 architecture and should not be included.</p> <p>Two contributory properties at 43 and 47 Upper Skene Street have been demolished since the study was commissioned.</p>	<p>that would detract from this experience and understanding, it is necessary to use the tool of the Heritage Overlay.</p> <p>The Upper Skene Street precinct meets the threshold of significant properties to warrant being described as a precinct suitable for inclusion in the Heritage Overlay.</p> <p>The Statement of Significance for the Upper Skene Street Precinct identifies that the precinct is <i>“especially defined by interwar Bungalow styled dwellings, and to a lesser degree, Late Victorian and Federation styled houses.”</i> The Statement goes on to identify that there <i>“are a small number of dwellings built after the 1940s. They are: 15, 17, 33 and 1,2,3/49 Upper Skene Street”</i>.</p> <p>The Precinct includes 34 sites of which 22 contribute to the historical, architectural and/or aesthetic heritage values of the precinct. A further 4 have been altered but have early designs and historical contributions that are discernible to the Precinct. This combination means that the Precinct is of moderate-high integrity. The presence of post WW2 buildings has not detracted from the integrity of the Precinct.</p> <p>Noted – These sites are not on the edge of the Precinct and are therefore difficult to recommend be removed. Although they are vacant they are more centrally located within the Precinct and it is logical that the overlay should apply so new development is in-keeping with the identified character of the area. Of the 34 sites in the precinct, 22 are considered to</p>

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No	Name	Address	Type	Summary of Submission	Officer Response
				<p>The street scape has been eroded by the number of non-conforming buildings on the north side of Upper Skene Street.</p>	<p>contribute to the heritage values; hence there is a majority of significant housing stock to recommend application of a heritage overlay.</p> <p>This was a major factor to exclude this part of Upper Skene Street from a heritage precinct.</p>
4	Sue Clark	Fraser Street, Herne Hill	Object	<p>Listing one side of Upper Skene Street will not maintain the streetscape if that was the intention.</p>	<p>Very broadly, the scope and brief of the Review was to assess and document the places of post-contact cultural heritage significance in the Newtown West area, all in accordance with the ICOMOS Burra Charter and the Planning Practice Note: <i>Applying the Heritage Overlay</i>. In the case of Upper Skene Street, the Review has assessed the south side as being significant and has a moderate to high integrity as a precinct.</p> <p>The level of integrity of the north side of Upper Skene Street is not as strong as the south side. It was largely developed at a later time with fewer dwellings constructed there by the mid 1930s, with large vacant allotments in the eastern, central and western parts. The development of the western end of the north side of the Street in the late 1930s has also since been compromised by a number of forward projecting carports. The combination of these two factors led the Review to only identify the south side of the Street as being historically significant.</p> <p>It is noted that there are a small number of other heritage precincts in Geelong where only one side of a street is included in the Heritage Overlay e.g. HO1926 further south in</p>

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No	Name	Address	Type	Summary of Submission	Officer Response
				<p>Significant properties to an era or architectural style should be listed only.</p> <p>43 Upper Skene Street was purchased as a cleared vacant lot, and 47 Upper Skene Street was demolished in late 2016.</p>	<p>Shannon Avenue. Also, there are many precincts where only one side of a street is included in an overlay with other streets, e.g. HO1283, Clarke Street and Austin Street Newtown.</p> <p>See comment in Submission 3.</p> <p>Noted – the loss of the original houses on these sites is unfortunate as this preceded the Newtown West Heritage Review and Amendment C365. Council sought the Minister’s intervention to apply interim heritage controls whilst the preparation of C365 progressed, but this was denied.</p> <p>The vacant sites within the Upper Skene Street Precinct are non-contributory places. They are included in the Heritage Overlay and Precinct because any development of these places may impact on the cultural heritage significance of the precinct or adjacent ‘significant’ or ‘contributory’ heritage places.</p>
5	Justin Eldridge	Aphrasia St, Newtown	Support	He and his wife support the heritage overlay.	Support noted.
6	Russell Elliot	Stephen Street, Newtown	Support	Fully supports the Heritage Overlay.	Support noted.
7	Sally Fraatz	Upper Skene Street, Newtown	Support	Support amendment C365.	Support noted.
8	Rosemary Gleeson	Upper Skene	Support	Support the introduction of the Heritage Overlay and	Support noted.

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No	Name	Address	Type	Summary of Submission	Officer Response
		Street, Newtown		fully support amendment C365.	
9	Gary and Karen Grant	Upper Skene Street, Newtown	Support	<p>Support the Heritage Overlay as a means to protect the culture, heritage and character or the neighbourhood for the future.</p> <p>Recent demolitions of heritage homes and removal of all vegetation for boundary to boundary modern and maximum yield developments is a negative for Geelong. Must stop this practice in the interests of preserving what remains for future generations.</p> <p>There is diminishing percentage of heritage homes as a consequence of the new development happening across the region. There is an abundant supply of new land within and adjacent to Newtown west for those seeking to build a new home.</p> <p>Effort must be made to preserve well built quality homes that are 100 + years old – they are capable of sympathetic renovation without having to destroy and replace them.</p> <p>Heritage has economic opportunities, which should be promoted in light of recent major business and employment losses in Geelong.</p>	<p>Support noted.</p> <p>Unfortunately the timing of the Study and the refusal of interim controls has meant that some places have been demolished and vegetation cleared. The heritage overlay will require a planning permit for demolitions in the future.</p> <p>It is acknowledged that the rapid residential growth happening across the municipality is changing the ratio of heritage to new homes. The retention of heritage stock helps preserve the history and character of the area.</p> <p>The purpose of the heritage overlay is to preserve the heritage of this area whilst the accompanying local planning policies direct how new development should be sympathetically undertaken.</p> <p>The diversity of housing stock available within Greater Geelong is a feature of the investment and attraction literature published by Council.</p>

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No	Name	Address	Type	Summary of Submission	Officer Response
				<p>Loss of heritage places in Newtown will also affect the ability to sustain the demographic with the interest, motivation and wherewithal to preserve for future generations.</p> <p>The typical Newtown owner/resident enjoys the preservation of their neighbourhood, in a well-proportioned dwelling to garden ratio. Residents highly value the space between the homes for privacy, gardens, noise abatement and shade. The garden environment of the area also benefits those walking in the area and attracts birdlife, such as singing magpies.</p> <p>New development opposite has denuded the site of the majority of vegetation, it is infilled with an incompatible 3 storey development and minimal open space. This represents the antithesis of the majority of homes in</p>	<p>Clause 22.09 of the Planning Scheme already states: <i>The City of Greater Geelong's heritage, comprising individual buildings, precincts, structures, monuments, significant gardens and trees, natural environments and aboriginal sites, is a significant part of the City's attraction as a place in which to live, visit, do business and invest. It is through this heritage diversity that the City's community expresses its rich culture. The cultural heritage of the region brings economic and cultural benefits and improves the community's quality of life.</i>"</p> <p>Application of the heritage overlay is based on the heritage assessment of that area and the subsequent significance determination. This process doesn't take into account the demographics of an area.</p> <p>These features are reflected in the statements of significance for the three precincts and in the proposed local planning policies. To paraphrase these policies, the design of new development in heritage areas is to provide for contemporary interpretation that relates to the location, bulk, form and materials of existing and neighbouring buildings. Gardens have been specifically identified where significant.</p> <p>New local planning policy will provide guidance about appropriate new development within the precinct.</p>

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				the Street. The Heritage Overlay is the best way to preserve the predominantly intact grouping of interwar era bungalows in Upper Skene Street, and the character this provides for the the future. New development can be accommodated in an appropraite manner.	
10	Christopher Hickey	Stephen Street, Newtown	Support	Support the Heritage Ovelray. Strongly believes that the Overlay will help protect the integrity of the streets from unsuitable developments.	Support noted.
11	Philip and Louise King	Nantes Street, Newtown	Support	Support the Heritage Overlay as the best way to preserve the character of the area for future generations.	Support noted.
12	National Trust of Australia (Vic) - Caitlin Mitropoulos	Parliamentary Place, East Melbourne	Support	<p>Supports the amendment to implement the findings of the Newtown West Heritage area Review 2016.</p> <p>The National Trust’s Heritage Register of Significant Places includes one of the sites recommended in C365 – 15 Stephen Street, Newtown.</p> <p>Acknowledges that the amendment is consistent with the objectives for planning in Victoria as outlined in the Planning and Environment Act 1987.</p>	<p>Support noted.</p> <p>“Newtown Brae” at 13-15 Stephen Street is already included in the Planning Scheme under HO205. This remains part of the Scheme under this amendment.</p> <p>Council’s obligations under the Planning and Environment Act 1987 are being met by this amendment. The Amendment is supported by Clause 21.06 – Settlement and Housing where the recognition, respect and protection of Greater Geelong’s Indigenous and European cultural heritage is of critical importance to the City’s identity. Objectives of Clause 21.06-5: Heritage includes ‘to ensure that urban development enhances Geelong’s sense of place and identity’ and ‘to conserve and enhance individual places and areas of pre and post contact cultural heritage</p>

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				<p>Amendment also supports the Trust's vision</p> <p>Commends Council for showing proactive leadership in extending statutory protection to the heritage places in Newtown West</p>	<p><i>significance.'</i></p> <p>The Amendment is also supported by the Cultural Heritage Policy at Clause 22.09 of the Scheme. The policy basis of this Clause is that the recognition and protection of heritage places is a crucial component in the planning of the City of Greater Geelong. The <i>Newtown West Heritage Area Review Volumes 1-5 May 2016</i> are to be listed as Reference Documents under this Clause.</p> <p>Noted.</p> <p>Council committed to undertaking the Study of the area at its meeting on 8 April 2014 and has followed through with the Newtown West Heritage Review and this subsequent planning scheme amendment.</p>
13	Richard Schnabel, Aberdeen Holdings, Great Western Hotel – sponsor of petition	Aberdeen Street, Newtown	Objecting Petition	<p>Petitioners request the City of Greater Geelong proposal to place a heritage overlay on the Great Western Hotel is unnecessary and inappropriate and that it be revoked accordingly.</p> <p>212 entries in the petition.</p>	<p>The Review identified that the Hotel is historically and aesthetically significant at a local level. The petition does not provide any refuting evidence of the Hotel's significance. Where a site is identified to have significance it should be included in the Heritage Overlay in the Planning Scheme. Measures have been included in the amendment and proposed planning tools to reduce the impact of the listing on the Hotel, such as providing an incorporated plan to limit permit requirements under the Overlay.</p> <p>Noted – several entries in the petition are incomplete with some signatories not including proper names, addresses and/or signatures.</p>

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14	Ann Scott	Stephen Street, Newtown	Support	Together with husband, supports the amendment. Their 'National Trust' home is the oldest in the area. Have been involved with past activity associated with their home, Newtown Brae at 15 Stephen Street, and have attended Council meetings and Panels.	Support noted.
15	Elizabeth Young	Stephen Street, Newtown	Support	Fully supports the Heritage Overlay and Amendment.	Support noted.
16	Poligot Pty Ltd	Aberdeen Street, Newtown (Great Western Hotel)	Object	<p>The inclusion of the subject land in a heritage overlay should be abandoned as it is unfair.</p> <p>The proposed heritage overlay to the building comes about from an inherent bias in the Review.</p>	<p>Application of the heritage overlay to the Great Western Hotel is a reasonable outcome from the results of the Review. The heritage overlay is proposed to be applied to 3 precincts and 5 individual sites. The Great Western Hotel is being treated equally with the other individually significant sites within the Newtown West area.</p> <p>The project scope and purpose for the <i>Newtown West Heritage Review</i> is documented in Volume 1 of the Review Report and was prepared in response to the community group submission to Amendment C300 (implementation of the new Victorian Residential Zones in 2014) and Independent Panel recommendation. Council determined to undertake a full heritage assessment of the Newtown West area and proceeded in 2015. The brief for the Study required the consultant to be suitably qualified to determine the heritage significance of heritage places in the area based on current best practice and to prepare a report including a statement of significance. It was clear that the Study was to identify places of heritage significance which it has achieved.</p>

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				<p>The “justification” for the proposed inclusion of the Great Western Hotel complex is the cultural associations of the site, its previous uses and its history. Current planning controls do not allow for recognition of such elements independent of the fabric of a structure, without imposing controls over the fabric of a building or structure.</p>	<p>Heritage assessments are carried out by qualified and experienced heritage professionals. Significance is determined by assessing aesthetic, historic, scientific, social and/or spiritual values for past, present or future generations. Cultural heritage significance is embodied in the place itself, its fabric, setting, use, associations, meanings, records, related places and related objects where appropriate.</p> <p>The recommendation for the heritage overlay is based on sound research and analysis in line with current best practice. The site would not have been recommended for an overlay if it was considered that it would not stand up to scrutiny as part of the planning scheme amendment process.</p> <p>The significance of the building is embodied in the physical fabric of the site. Historically part of its significance is evident through the design, materials, overall form – we do see a building there and this building represents the social and historical significance.</p> <p>Applying the Heritage Overlay Planning Practice Note addresses this issue as follows:</p> <p>“PLACES OF SIGNIFICANCE FOR HISTORICAL OR SOCIAL REASONS</p> <p><i>Planning is about managing the environment and changes to it. An appropriate test for a potential heritage place to pass in order to apply the Heritage Overlay is that it has ‘something’ to be managed. This ‘something’ is usually tangible but it</i></p>

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				<p>The overlay does not recognise aesthetic values, even though the Newtown West Heritage Review identifies that the site is "...historically and aesthetically significant ...". The building on the land does have some aesthetic value, although not exceptional, and the history of the site will not change if no overlay is applied.</p>	<p><i>may, for example, be an absence of built form or the presence of some other special characteristic. If such things are present, there will be something to manage and the Heritage Overlay may be applied. If not, a commemorative plaque is an appropriate way of signifying the importance of the place to the local community.</i> (source: Planning Practice Note 1 Applying the Heritage Overlay July 2015 page 2)</p> <p>In this case there is a building fabric which is also significant that can be managed through the heritage overlay, and it is appropriate to apply the heritage overlay in this situation.</p> <p>The Statement of Significance must identify how a place is significant and the reasons why it is significant. The terms <i>historically and aesthetically significant</i> are some of the Burra Charter values for heritage assessment. For aesthetic value, the Burra Charter documents this as places where consideration is given to form, scale, colour, texture and material of the fabric. These are outlined on page 12 of Volume 1 of the Review and are required to be used by the VPP Practice Note. They are widely used and accepted in planning and heritage fields.</p> <p>One of the purposes of the Heritage Overlay is <i>"to conserve and enhance those elements which contribute to the significance of heritage places"</i>. The decision guidelines of the Overlay include consideration of matters such as the whether the location, bulk, form, character or appearance of a proposal will affect the heritage significance of the place.</p>

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				<p>The controls will not add to a good planning outcome, but will further burden the property, for the wrong reasons. There is no need or justification for the imposition of yet another layer of planning control over the building.</p>	<p>Combined, these provisions of the Overlay anticipate consideration of 'aesthetic' matters when changes to the fabric of a building are proposed and the consideration of the impact this has on its heritage significance. The term 'aesthetic' is not used in the Heritage Overlay or in Council's Cultural Heritage policy at clause 22.09 as it is a subjective term, rather, it is the definable parameters of building form, materials, height etc that are identified.</p> <p>The submitter is incorrect to state that the history of the site won't change if no overlay is applied – there is the potential that it could be demolished and the site redeveloped and the tangible, embodiment of the history is then lost.</p> <p>The submitter states the aesthetic value is "not exceptional" but has provided no evidence from a suitably qualified heritage expert to justify this statement.</p> <p>The site is zoned 'Neighbourhood Residential Zone' schedule 2 which is the most restrictive in terms of residential development and other uses in the suite of residential zones. A hotel (food and drink premises) is a permit required use under the zone and therefore all external buildings and works associated with the use require a planning permit.</p> <p>In response to the informal exhibition of the Review documents, Council committed to pursuing an 'incorporated plan' which would only see work affecting the significant portion of the Hotel (the building fabric considered aesthetically and historically significant) building trigger</p>

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				<p>The Review identifies six other hotels which are considered to be comparable designs undertaken by the same architects as those who designed the Great Western Hotel. However, four of those hotels are not subject to heritage controls. If the heritage overlay is not imposed over those properties, why then should it be applied imposed over the Great Western Hotel.</p>	<p>permit applications under the heritage overlay. All other buildings and works would not require a permit under the heritage overlay, although a permit will still be required under the zone. Council also adopted allowing 'prohibited uses' to be permissible at the Hotel by including a 'yes' in the prohibited uses may be permitted column in the schedule to the Heritage Overlay. This will allow greater use opportunities than the current zone allows. This approach is used for other heritage places in Greater Geelong where a non-residential building is located in a residential zone.</p> <p>The combination of these tools have been included in the Amendment to reduce as much as possible any "burden" of the heritage overlay that is felt by the landowner.</p> <p>The comparative analysis undertaken for the Great Western Hotel identified 6 other hotels from the interwar era, of which 3 were designed by the same architects. It is acknowledged that only 2 of these 6 other hotels are included in the heritage overlay. The lack of a heritage overlay applying to the remaining four doesn't mean this one, the Great Western Hotel, shouldn't be included in the heritage overlay. It has been assessed as being of local significance and this is to be recognised with proposed inclusion in the heritage overlay.</p> <p>There are a few possible reasons for why the other hotels are not included in the heritage overlay. Methodology for heritage studies has changed and evolved since the 1986 Geelong West Urban Conservation Study, the 1991 Newtown</p>

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				<p>Any alterations to the building require a planning permit already and an assessment of the aesthetic impact of proposed changes to the fabric of the building can be made under the umbrella of a planning permit application. The land use and “buildings and works” controls are used to control and influence design solutions and will not change if heritage controls are not imposed.</p>	<p>Urban Conservation Study and the Geelong City Urban Conservation Study of 1991. The briefs and study areas for these studies may not have included the sites of these four hotels. Heritage is evolving and values change over time – it may be that these buildings weren’t valued at that time of previous studies. New evidence and research also becomes available which can contribute to the understanding of a place. And Political changes and influences such as amalgamations may also be a contributing factor.</p> <p>A process for managing gaps in heritage studies and listings will be managed in future by Council’s upcoming Municipal Heritage Strategy.</p> <p>Yes current planning provisions do require a planning permit to be obtained for buldings and works at the Hotel and matters of design and amenity are a relevant consideration in determining any application. This will still occur if the heritage overlay is applied. What can’t be addressed without a heritage overlay is the impact that any changes would have on the heritage significance of the Hotel.</p> <p>The key purposes of the heritage overlay are:</p> <ul style="list-style-type: none"> • 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

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				<p>The imposition of the controls, as proposed, serves to undermine the value of Clause 43 and erodes its integrity in the eyes of the community.</p>	<p>allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.</p> <p>In addition, the decision guidelines for permit applications triggered under the heritage overlay are deliberately geared towards considering the impact that development would have on the significance, character or appearance of a heritage place. This is not replicated in the decision guidelines under the Neighbourhood Residential Zone Schedule 2.</p> <p>Consideration of an application and ultimate permit conditions must relate to the trigger for a permit – other matters are difficult to draw into this process. Without a heritage overlay, the individual heritage significance of the Great Western Hotel can't be considered in a permit application.</p> <p>There is no evidence to substantiate this claim. Use of the heritage overlay as a planning scheme tool to identify and manage changes to places identified in a local heritage study as being of significance, is an accepted and encouraged planning practice. The issue raised by this submitter is really about challenging the heritage significance of the Hotel as identified by the Newtown West Heritage Review. No contrary heritage evidence has been submitted to rebut this as part of the submission.</p> <p>Council ignoring the expert and independent recommendations of an adopted heritage study would</p>

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					<p>undermine the community's confidence in Clause 43.01 of the Scheme.</p> <p>There are over 8000 properties included in the heritage overlay in the planning scheme demonstrating the widespread commitment of Greater Geelong to the protection this affords the municipality's heritage. In Newtown West there is an active community group that has supported the Review and the amendment.</p>