

*Planning and Environment Act 1987*

**GREATER GEELONG PLANNING SCHEME**

**AMENDMENT C359**

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RESOLUTION TO REFER SUBMISSIONS TO A PANEL

UNDER DELEGATION FROM COUNCIL I HEREBY RESOLVE TO:

- 1) **Request the Minister for Planning to appoint a Panel under Part 8 of the Planning and Environment Act 1987;**
- 2) **Refer submissions 1, 2 and 10 on Amendment C359 to the Panel; and**
- 3) **Submit to the Panel its response to the submissions generally as outlined in this report.**



SIGNED

DATE: 21 November 2017.

**PETER SMITH  
COORDINATOR STRATEGIC IMPLEMENTATION**

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**To:** Peter Smith – Coordinator Strategic Implementation  
**From:** Susan Williamson – Senior Strategic Planner  
**Subject:** Consideration of C359 Submissions under Delegation  
**File number:** C-359  
**Date of Report:** 15 November 2017

### **Purpose**

To consider the submissions under delegation as a result of exhibition of Amendment C359.

### **Summary**

- The amendment implements the findings of the *City Fringe Heritage Area Review 2016* (CFHAR) by changing the extent and configuration of the current City Fringe Heritage Area Overlay HO1639.
- The amendment implements some of the findings of the *Outer Areas Heritage Study 1998-2000*, as updated by the *Ceres Heritage Study Report 2017* through the inclusion of properties in the heritage overlay.
- The amendment implements the findings of the *Former Dennys Lascelles Woolstore Heritage Assessment 2017* through the inclusion of 20 Brougham Street Geelong in the heritage overlay.
- The amendment proposes to amend various mapping and schedule anomalies within the Heritage Overlay.
- The amendment also proposes to delete the HO741 and the Environmental Audit Overlay (EAO) from the former ropewalk site at 9 Scarlett Street Geelong West.
- On 23 May 2017 Council considered a report on the heritage items and resolved to proceed with an amendment and seek authorisation from the Minister for Planning.
- A subsequent report under delegation was considered on 26 June 2017 to remove the heritage overlay from 1/61 to 8/61 Tuckfield Street Ocean Grove; remove the HO741 and the EAO from 9 Scarlett Street Geelong West; to correct the HO numbering in the schedule to the heritage overlay for the Vietnams Veterans Avenue of Honour; and to make changes to Clause 21.10 Western Wedge.
- Amendment C359 was authorised by the Minister's delegate and was exhibited from 31 August to 2 October 2017.
- Eleven submissions have been received – two supporting the amendment, one from the National Trust both offering support for and objecting to parts of the amendment, and the balance were either objecting or seeking changes to the amendment.
- In accordance with the Planning and Environment Act 1987, Council must either: change the amendment in the manner requested by the objecting

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submission; refer submissions to an Independent Panel appointed by the Minister for Planning; or abandon the amendment or part of the amendment.

- Consideration of the submissions involved site visits to some properties, assistance from the author of the CFHAR and engagement of Council's Heritage Advisor. Efforts have been made to try to resolve submissions where possible. Submissions 3, 4, 5, 6, 7, 8, 9, and 11 are supported with requested changes considered to be accommodated in the amendment. This includes some changes to the planning scheme maps and alterations to the supporting citation sheets and CFHAR.
- The objecting submissions which have not been able to be fully resolved are submissions 1, 2 and 10. Some changes are recommended to 285 Gully Road Ceres but as Submission 1 is an outright objection and the heritage significance is supported, this is unresolved. For 11 Mercer Street Geelong, some changes to the citation sheet are recommended for the site is considered to be of local significance, but the outright objection of Submission 2 remains unresolved. The National Trust's submission seeks changes to the amendment that can't be accommodated (largely to retain sites that are proposed to be deleted) and so is in part unresolved.
- It is recommended that the unresolved 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 C359, resolves to:**

- 1) Request the Minister for Planning to appoint a Panel under Part 8 of the Planning and Environment Act 1987;**
- 2) Refer submissions 1, 2 and 10 on Amendment C359 to the Panel; and**
- 3) Submit to the Panel its response to the submissions generally as outlined in this report.**

### **Background**

Several recent pieces of heritage review work including the City Fringe Heritage Area Review 2016, the Former Dennys Lascelles Woolstore Heritage Assessment 2017 and the Ceres Heritage Study Report 2017 have been drawn together to be implemented via one combined heritage based amendment. In this context, the amendment also corrects anomalies with several properties currently included in the Heritage Overlay to ensure that the Scheme is accurate and up-to-date.

In compliance with an Emergency Order, the physical structures on the former rope run at 9 Scarlett Street have been removed. Heritage Victoria and Council's Heritage Adviser support the removal of the heritage overlay from this site as the structures have been removed, and the process has commenced to remove the

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site from the heritage registry and there is no longer any need for the heritage overlay. Detailed environmental assessments have been commenced and a Certificate of Environmental Audit for the site is projected to be issued soon. This will state that the requirements of the Environmental Audit Overlay have been satisfied and that the land can be used for residential purposes.

***Discussion***

Amendment C359 was exhibited from 31 August to 2 October 2017. There were over 1400 notices mailed out to landowners and occupiers affected by this amendment, and in response, eleven submissions were received. Two submissions support the Amendment; one submission both supports and opposes different parts of the Amendment, and the balance either object or request changes to the Amendment.

No submissions sought changes to the revised or proposed new local planning policies.

A detailed summary of submissions and Council officers' response and recommendation is in Appendix 2. The following is a very brief overview of the submissions and recommendations.

***285 Gully Road Ceres – Proposed HO2011***

**Submission 1** opposes the inclusion of 285 Gully Road Ceres within the heritage overlay and sought Council officers to visit the site.

**Officer recommendation:** The heritage overlay is applied, but with a reduced extent and with some changes to the citation sheet.

***11 Mercer Street - Proposed HO2015***

Submission 2 from the landowner opposes the designation of 11 Mercer Street Geelong as locally significant and being included in HO2015 on the following grounds:

- The building has no aesthetic or architectural merit, no historical value, no residential use since the 1950's, and is unremarkable compared with comparable sites elsewhere in Mercer & Moorabool Streets.
- The site was previously rejected for heritage listing in the early 1990s and with further deterioration, could not be considered significant now.
- The building is dilapidated and has undergone substantial alterations over time.
- The owner also owns adjoining property comprising a larger land holding of about 2,000 square metres in accord with the land assembly objectives of the Activity Centre Zone. A heritage listing of part of this 'estate'; will affect development potential for multi-storey development.
- A heritage overlay would burden the property, decrease its value and negate the future development option.

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**Officer recommendation:** The submission is not supported and the heritage overlay is applied with some changes to the citation sheet.

***General Support for Amendment***

**Submission 3** (from within the City Fringe Heritage Area eastern section) thanks Council for the comprehensive survey to document and preserve the beauty of this historic part of Geelong. The submitter also encourages any further attempts to preserve the ambiance of this area

**Officer recommendation:** Support for the Amendment noted.

***17 McCann Street Ceres – Proposed extension of HO66 to cover the site***

**Submission 4** opposes the extension of HO66 to the sites as a planning permit has been issued by Council for the demolition and a development of a substantial portion of the site.

**Officer recommendation:** The submission is supported and change the mapping of HO66 to contract the overlay to only cover the former Church building and a curtilage along its southern side.

***25 Glenleith Avenue Geelong West – Change to HO696***

**Submission 5** states that the Schedule to the Heritage Overlay needs to be amended to delete the tree controls from 25 Glenleith Avenue Drumcondra (HO696) as there are no trees of significance on site and no basis for this in the citation sheet. Submitter advises that an old plum tree on the eastern boundary of the property was cut down by the new owners in 2016 which would have been significant as it was original to the property. Frustrating and disappointing that heritage controls are ignored and can be changed without repercussions.

**Officer recommendation:** This submission is supported as no change to the amendment is required as the amendment is deleting this control.

***25 -29 Ryrie Street Geelong – Proposed HO1637***

**Submission 6** by BJK Planning on behalf of the owners of 25-29 Ryrie Street Geelong supports the deletion of the site from the current HO1639 but opposes the inclusion of the property in HO1637 Geelong Commercial Heritage Areas. The submission also opposes identification of 25-29 Ryrie Street as a contributory property within the proposed expanded area of HO1637. The submitter argues that the policy basis of HO1637 does not identify mid-century architecture as a significant element of the precinct and that it is not part of a genuine precinct. Further, part of the building is on land leased to the west owned by VicTrack and for which there is no prospect of future purchase of this land to consolidate the building all onto one site.

**Officer recommendation:** Support the submission through the removal of the properties cented on the Ryrie Street/Fenwick Street intersection from inclusion in the HO1637, and make consequential changes to the CHFAR.

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***20 Brougham Street Geelong – Proposed HO2013***

**Submission 7** has been lodged Spiire on behalf of Techne Montgomery Development and recognises that the woolstore is a significant part of the Geelong Waterfront area, appreciating the importance of considering the impact any future development may have on the built form and heritage value of the site. The submission notes that Planning Permit PA15/00062 was issued on 19/6/2016 for a multi-storey building at 20 Brougham Street Geelong which includes the intent to retain the external fabric of the existing building. Submits that the amendment remove reference to the requirement to retain the saw tooth roof form as it is not in the original orientation and emerged from a 1950's rebuilt and altered structure.

**Officer recommendation:** Support this submission and amend the citation to delete the retention of some form of the saw tooth roof.

***100 McCann Street Ceres – Proposed HO2012***

**Submission 8** seeks a change to the statement of significance to clarify that the gable roof section at the rear of the cottage is not of heritage significance, and a change to the northern boundary of the heritage overlay extent to exclude the modern prefabricated building.

**Officer recommendation:** Support this submission and change the citation sheet and extent of the heritage overlay HO2012 on the planning scheme map.

***9 Scarlett Street Geelong West – Proposed removal of HO741 and EAO***

**Submission 9** by the consultant for the landowner supports the amendment and seeks Council consider the merits of adopting these items as a separate part.

**Officer recommendation:** Acknowledge the support of this submission for the removal of HO741 and the EAO. As the Certificate of Environmental Audit is not yet issued, it is premature to make any changes to the amendment that would see the components related to 9 Scarlett Street extracted and adopted as C359 Part 1.

***Geelong and Region Branch National Trust submission***

**Submission 10** by the Geelong and Region Branch of The National Trust has made a comprehensive submission about most components of the Amendment:

1. supporting the application of the heritage overlay to the 6 places in Ceres;
2. seeking inclusion of further properties in Ceres in the heritage overlay and a commitment from Council to urgently implement any outstanding sites identified in the Outer Areas Heritage Study
3. Supports the inclusion of the Dennys Lascelles Wool Store at 20 Brougham Street in the heritage Overlay, whilst objecting to the issue of a Ministerial Permit for its redevelopment;
4. Seeks Council to urgently review the Wool Stores Industrial Heritage precinct HO1638;

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5. Objects to the removal of sitse from the eastern section of the City Fringe Heritage Area HO1639;
6. Objects to the removal of HO1639 from commercial sites in Mercer Street;
7. Objects to the removal of 34 Western Beach Road from the heritage overlay, seeking it to be included in proposed HO2018;
8. Submits that the Trans Otway Limited building should be included in the heritage overlay and was removed from the amendment without due process;
9. Notes that the decision to remove the former Donaghy's Rope Walk in Geelong West was a lamentable decision, whilst acknowledging that Heritage Victoria is the permit authority; and
10. Objects to the removal of two contributory properties at 40 Fenwick Street and 253 Latrobe Terrace as part off eh changes to the west area of the City Fringe Heritage Area.

**Officer recommendation:** Acknowledge the support for many parts of the amendment. No changes to the amendment are recommended in response to the submission. The comments about the permits issued for the 36-44 Ryrle Street and 20 Brougham Street, the dissatisfaction about the demolition of the structures at the former Donaghy's Report Walk site, the request for additional reviews of the Woolstores Heritage Area HO1638, and the impementation of the balance of the Outer Areas Heritage Sudy are all noted.

***42-44 Western Beach Road Geelong – Proposed HO2018***

**Submission 11** seeks a changes to the classification of 42-44 Western Beach Road from “contributory” to “non-contributory” in the City Fringe Heritage Area Review Part 2, as half of the site is a 1990 development and the balance is a cheap and modest construction

**Officer recommendation:** Support the submission and change the classification of 42-44 Western Beach Road in the CFHAR be changed to non-contributory.

***Other matters***

The supplementary delegate report of 21 June and resolution of 26 June 2017 identified the need to support the deletion of the heritage overlay HO741 and the Environmental Audit Overlay from 9 Scarlett Street Geelong West, to add further corection of anomalies to C359 (removal of HO1608 and change to the HO number for the Vietnam Veterans Avenue of Honour) and to update the reference to the CFHAR in clause 21.10 of the Scheme.

The Vietnam Veterans Avenue of Honour HO number in the schedule to Clause 43.01 was incorrect at the time of approval of C341. It was proposed to correct this in Amendment C359, however DELWP corrected this without an amendment as it was a publishing error rather than a mistake with C341. It therefore was not included in the exhibited C359.

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The proposed deletion of HO1608 from the land at 1/61-8/61 Tuckfield Street Ocean Grove were considered to be premature and were not included in the exhibited C359. These will be corrected by a future planning scheme amendment.

***Environmental Implications***

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

***Financial Implications***

There are not 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 locally significant heritage places.

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 to be 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.

***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***

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The amendment will have a positive social effect through the protection of heritage places in the Ceres, Geelong and other areas 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 notice from Planning Panels Victoria advising of dates for the Directions Hearing and Panel Hearing.

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**APPENDIX 1 – SUMMARY OF SUBMISSIONS AND OFFICER RECOMMENDATIONS**

No.	Name	Address	Type	Summary of Submission	Officer Response and Recommendation
1	Wilson Charlesworth	285 Gully Road Ceres	Objection	<p>Does not support the amendment. No significant examination of the property has been carried, with the information about the property containing many factual errors regarding the property and dwelling. There has been no consultation with the owner and observation was from at least 50 metres away.</p> <p>The house has had 2 major interior and exterior renovations in the last 50 years. Council should conduct a proper examination of the site for more information and site history before considering applying the heritage overlay.</p>	<p>The Ceres Heritage Citations Project (CHCP) was undertaken to review and update the citations sheets developed in the Greater Geelong Outer Areas Heritage Study Stage 2 1998-2000, through further fieldwork, historical research and comparative analysis. Time didn't permit further consultation with landowners before reporting to council to commence a formal planning scheme amendment. Officers engaged Council's Heritage Advisor to review the submission and to accompany officers on a site visit to inspect the property.</p> <p>An on-site visit with the property owner took place on Thursday 2<sup>nd</sup> November. The subsequent advice from the Heritage Advisor notes that this <i>"revealed that the elevated setting, hipped roofed composition, chimneys and extent of the verandah were consistent with the assessment in the heritage citation. The overall late Victorian design is still clearly discernible despite the alterations. Also consistent were the changes to the verandah, although the visit indicated that:</i></p> <ul style="list-style-type: none"> <li>• <i>The square timber verandah posts at the corners had been replaced and not stop chamfered as per the other posts.</i></li> <li>• <i>The timber balustrade (with saltire cross motif) was a streamlined interpretation of the original pattern.</i></li> <li>• <i>The cast iron valance at the front might be original.</i></li> <li>• <i>The timber verandah floor had been replaced.</i></li> <li>• <i>There are original timber framed windows on the west elevation, including one surviving early window hood.</i></li> </ul>

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					<ul style="list-style-type: none"> <li>• <i>The front door appears to be original but altered (the large single glazed upper panel).</i></li> <li>• <i>At the rear, the verandah returns from the east side, but the white-painted concrete block balustrade has been introduced.</i></li> <li>• <i>There is an original face brick base wall that is extant on the west elevation.</i></li> <li>• <i>There is introduced concrete verandah floor at the rear which returns along the east side for part of the eastern portion of the verandah.</i></li> <li>• <i>There is an original rendered brick domical water tank to the east of the verandah.</i></li> <li>• <i>The exterior fabric has weathered, with evidence of loose roof sheeting (mainly on the verandah), weathered timber eaves fascia's, rotted window sills (west elevation) and partly rotted timber weatherboards.</i></li> <li>• <i>The rear skillion fibro shed has been constructed in the c. 1950s-60s.</i></li> <li>• <i>The front, rear and side garden settings have been introduced, the existing circular driveway and steeply-sloping grassed driveway to Gully Road having been introduced (original access to the property was from the neighbouring western property and from Gully Road on the west side, prior to the subdivision of the property in the 20<sup>th</sup> century)."</i></li> </ul> <p>Council's Heritage Advisor has noted the historical information provided by the landowner submitter. This included that a building comparable to 'Erinvale' at 230 Merrawarp Road, Barrabool was not included in the Ceres Heritage Review nor</p>



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No.	Name	Address	Type	Summary of Submission	Officer Response and Recommendation
					<p>the Outer Areas Heritage Study (200) as it is situated in the Surf Coast Shire. The advice is that:</p> <p><i>“However, it is comparable aesthetically and historically to ‘Erinvale’, representing another rare surviving example of a timber late Victorian styled dwelling in the locality. It too has an elevated setting, with hipped roof forms and a return verandah. The balustrade design and construction is especially of interest, and it may reflect the original design and detail of the verandah at ‘Erinvale’ prior to it being replaced with the existing balustrade.</i></p> <p><i>The dwelling at 230 Merrawarp Road also seems to have been constructed about the same time as ‘Erinvale’. The Barrabool Shire Rate Books suggest that the dwelling in Merrawarp Road was built in c.1896 (possibly as an addition to a two roomed timber dwelling erected on the site in c.1893) for James Russell, farmer.<sup>1</sup> It was situated on land previously owned by James Russell’s late father and local pioneer farmer of Ceres, Samuel Russell, who established the nearby Rocky Spring farm in the mid-late 1840s.<sup>2</sup></i></p> <p><i>The dwelling at 230 Merrawarp Road has experienced a number of noticeable alterations and additions, including rear hipped roofed additions, removal of chimneys and introduction of new openings. Compositionally, ‘Erinvale’ would appear to be more intact.”</i></p> <p><small>1 The first listing of a dwelling at 230 Merrawarp Road was in 1893-94 when James Russell was recorded as owner and occupier in the Barrabool Shire Rate Book of a wood house and garden. This dwelling (on 92 acres) was listed in 1894-95 and 1895-96 as being owned and occupied by James Russell’s brother, Joseph Russell. On his death in 1896, his Probate described the property as comprising 72 acres ‘on which is erected a two roomed weather board house.’</small></p>

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					<p>James Russell was again owner and occupier by 1896-1897, and the Rate Books listed a £10 increase in the Net Annual Value of the property (there being no increase in land size), which might suggest it was at this time when the existing house (as viewed from Merrawarp Road) was built. See Barrabool Shire Rate Books and Barrabool Shire Valuation-Rate Books 1885-1902-03, Geelong Heritage Centre collection &amp; Russell, Joseph, Probate Administration files, 1896, VPRS 28/P2 Unit 447, Public Record Office Victoria.</p> <p>2 The earliest record of Samuel Russell at Ceres is in 1847 when he was listed as a subscriber to the Irish Relief Fund in the Geelong Advertiser and Squatter's Advocate, 17 September 1847, p.2. His 'Rocky Spring' farm was situated to the south of the property at 230 Merrawarp Road, on the east side of the road on allotment 5a of Section 23 as shown in Andrew McWilliams' Plan of the Barrabool Parish, 1861, State Library of Victoria. There, he built a five roomed stone dwelling. See Russell, Samuel, Probate Administration file, 1885, VPRS 28/P2 Unit 186 Public Record Office Victoria.</p> <p>Several recommendations for the property based on the outcomes of the site visit have been made by the Heritage Advisor. These are endorsed by officers for changes to the Citation Sheet and extent of the heritage overlay on the planning scheme map as outlined below.</p> <p><u>Officer Recommendation:</u> While 'Erinvale' has experienced some alterations, the late Victorian design is immediately discernible. There is considered to be sufficient integrity to understand and appreciate the historic and aesthetic heritage values of the place. It is recommended that the heritage overlay is applied, although with some changes as outlined below:</p> <ol style="list-style-type: none"> <li>1. The extent of the heritage overlay is reduced by the deletion of the front portion of the site, allowing for a 10m curtilage from the front (north) of the house, as shown in the following aerial image. Traditionally, access to the property was from elevated ground from the west and not from the front (north).</li> </ol>

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					<p>Given the elevated location of the dwelling, there should continue to be a sufficient setting and views to it from Gully Road irrespective of the heritage overlay not applying to the front portion of the property.</p>  <p>Extent of HO recommended in Ceres Heritage Review 2017</p>  <p>Revised extent of HO now recommended as part of Amendment C359.</p>

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No.	Name	Address	Type	Summary of Submission	Officer Response and Recommendation
					<p>2. The heritage citation is updated to reflect the findings following the site visit, including a minor update to the history, updates to the physical analysis and the inclusion of the dwelling at 230 Merrawarp Road, Barrabool in the comparative analysis (all as outlined in the report of the Heritage Advisor).</p> <p>3. The statement of significance is refreshed to reflect the findings of the site visit and meeting with the Submitter. It is recommended that the replacement verandah balustrading and lattice fretwork, and the altered front door, are identified as such in the statement of significance.</p> <p>4. Some brief recommendations for new development are included in the citation (as a consequence of a discussion with the Submitter). In particular, it is recommended that this information could read:</p> <ul style="list-style-type: none"> <li>• Subject to planning and building permits, opportunities are available to construct rear (southern) and side (eastern) additions to the existing dwelling. For major additions, it is suggested that consideration is given to the retention of the existing original three dimensional integrity of the dwelling, possibly by setting down the roofs and eaves of the new work, or by connecting to the existing by a narrow link. It is also suggested that any addition on the east side is set back from the front to enable the retention in the integrity and character of the principal front three dimensional portion of the dwelling.</li> </ul>

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No.	Name	Address	Type	Summary of Submission	Officer Response and Recommendation
2	Wayne Freedman	11 Mercer Street Geelong	Objection	<ol style="list-style-type: none"> <li>1. Opposes the designation of 11 Mercer Street Geelong as being of local significance and being included in HO2015. The building does not have any heritage value – is of no aesthetic or architectural merit, no historical value, no residential use of the building since the 1950's, and it is unremarkable compared with comparable sites elsewhere in Mercer &amp; Moorabool Streets.</li> <li>2. Site was previously rejected for heritage listing in early 1990s so how can it be significant now when the building is 26 years older and has deteriorated further?</li> <li>3. The building is dilapidated and has undergone substantial alterations over time such that it is not as originally built.</li> <li>4. The Estate also owns adjoining property located at 5-9 Mercer Street and 2-6 Ginn Street, together comprising a larger site of about 2,000 square metres. This would be a development site meeting the objectives of the Activity Centre Zone to reconfigure and consolidate land</li> </ol>	<ol style="list-style-type: none"> <li>1. Significance of the site The Geelong City Urban Conservation Study 1991 by Graeme Butler and the City Fringe Heritage Area Review 2016 (CFHAR) by RBA Architects and Conservation Consultants have both independently identified that 11 Mercer Street is of significance and recommended it be included in a heritage listing/overlay. The 1991 Study ascribed it a 'C' grading being significant in the local context (equivalent of significant in today's language) and the CFHAR 2016 has also ascribed the property to be significant at a local level. A review of the submission by Council's Heritage Advisor has also confirmed that the site has local heritage significance: <i>"The heritage citation has identified the building at 11 Mercer Street to be historically and aesthetically significance at the local level as:</i> <ul style="list-style-type: none"> <li>• <i>One of five early Victorian buildings which remain in this part of Mercer Street.</i></li> <li>• <i>A largely intact example (above the awning) of an early Victorian building.</i></li> </ul> <i>The heritage citation suggests that the subject building was constructed in c.1857 for Dr James Park. Considerable historical research has been carried out in determining the provenance of the building's construction and its associations with early owners. However, no reference was made to the Geelong Town Council Rate Books (which are at the Geelong Heritage Centre). These Rate Books generally confirm the historical information included in the citation. From the Rate Books, it is known that Dr James Spark was first resident in a brick 2</i> </li> </ol>

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				<p>to create viable development sites. A heritage listing in the middle of the Estate will affect development potential and plans to develop a multi-storey building on the site.</p> <p>5. A heritage overlay would burden the property, decrease its value and negate the future development option. It may also deter future interest for purchasers or developers. Owners should be free to use and develop their property as they have taken the investment risk. Cites the example of the Brown Brothers store repair costs as a significant imposition on the landowner.</p>	<p><i>roomed building in Mercer Street in 1854. The following year, 1855, he was listed as the owner in Latrobe Terrace West of a 4 roomed brick building with kitchen, servant's room and stable. This same building was addressed as Keera Street in 1856, with Spark also listed as owner of an adjoining brick shop of four rooms. Both buildings were again addressed as Latrobe Terrace West in 1857 and 1858, it not being until 1859 when the Rate Book listed Dr Spark in Mercer Street in a brick, two storey shop of five rooms with weatherboard kitchen and stable. A basis of the interchanging of street addresses is that the property was located at the junction of Latrobe Terrace, Mercer and Keera Streets, and the Melbourne to Geelong railway line. Given the above, the subject building was possibly built in 1855 and definitely by 1859."</i></p> <p>The Heritage Advisor does though recommend some adjustments to the statement of significance:  <i>"The heritage citation refers to the significant fabric as being the two storey building fronting Mercer Street. For clarity, the non-significant fabric could be briefly listed in the Statement of Significance (the identification of non-significant fabric in the statement of significance is suggested in the Practice Note: Applying the Heritage Overlay). Given the alterations to the ground floor and the introduced cantilevered verandah to the front façade, the HERCON assessment criterion applied to the aesthetic heritage value of the building could be reconsidered. Criterion E relates to "Importance in exhibiting particular aesthetic characteristics (aesthetic significance). The Inclusion Guidelines in the HERCON Criteria for Criterion E are that:</i></p>

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					<p><i>To be eligible, a place must have a high degree of integrity so that it fully reflects the aesthetic qualities for which it is nominated.</i></p> <p><i>Instead, consideration could be given to the application for Criterion D: "Importance in demonstrating the principal characteristics of a class of cultural or natural places or environments (representativeness)." As a "Type" (mid 19th century two storey Victorian building in Geelong with altered ground floor shopfront), it can be regarded as a particularly good example and is one of a number of similar places that are good examples."</i></p> <p>The Aesthetic and architectural criteria are established by the Burra Charter and the PPN01. These are employed by skilled heritage assessors, with 3 separate consultants reaching the same conclusion some 25 years apart.</p> <p>2. Amendment history The submission correctly states that this site was not included in an individual heritage overlay as part of the adopted Amendment L12 to the old format Greater Geelong Planning Scheme (originally commenced as L75 to Geelong Regional Planning Scheme prior to the creation of the City of Greater Geelong in May 1993). As part of exhibited Amendment L12, it was proposed to include the site in the Conservation Table as being of local significance and in a Level 1 Precinct of state significance. It was identified as part of the Geelong City Urban Conservation Study 1991 and was considered then to be a circa 1855 building in the oldest commercial area of Geelong.</p>

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					<p>The objecting submission to L12 (by the current submitter's late father who raised similar points to this current submission) was heard and considered by an Independent Panel. The Panel having considered the opposing submission recommended that the listing of 11 Mercer Street be retained. Before proceeding to Council for adoption, this, and about 20 other properties were required to be deleted from Amendment L12 by the then Commissioners for the newly created City of Greater Geelong. Old file notes document that the 21 buildings were deleted on the grounds that they were either not worthy of the regional classification each had been given under the City of Geelong Urban Conservation Study; were in a state of repair beyond redemption; and /or their design was insufficiently robust to enable other viable uses to occur, thus compromising the capacity to have them recycled. There is no documentation on the files for a specific reason for the removal of 11 Mercer Street from the adopted amendment. (Note that several other buildings were also deleted from the amendment prior to adoption because they had been demolished, permits issued for redevelopments or at the recommendation of the Panel.) Whilst 11 Mercer Street was not included in the adopted L12 as an individual site, the proposed precinct around and including 11 Mercer Street was retained as part of the adopted L12, this being translated into the City Fringe Heritage Area HO1639 as part of the new format planning scheme in July 2000. It has remained in the heritage precinct since.</p> <p>This submission argues that Council already made its determination on the heritage listing of 11 Mercer Street,</p>

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					<p>effectively submitting that the current amendment proposal is a 'double-dipping' exercise by Council to try to list 11 Mercer Street for a second time. This is not the case. The primary purpose of the CFHAR was to review the City Fringe Heritage Area and to recommend any changes to it. It was undertaken by a specialist heritage consultant, independent to the author of the 1991 Geelong City Urban Conservation Study. The conclusions and recommendations for the Mercer Street area arising from the Review identify 11 Mercer Street as being of heritage significance but that the retention of the precinct along Mercer Street was not warranted. A decision by Council over 20 years ago, the specific reasons for which are not very well documented, should not automatically prevent ever re-visiting a planning and heritage assessment.</p> <p>3. Condition of the building An Officer of the Strategic Implementation Unit undertook a site visit with the submitter and business operator on 6 November to view the deterioration of the building outlined in the submission. This provided a valuable overview of the property and its state of disrepair. There is cracking occurring in both interior and exterior walls; bricks and mortar in northern wall of the original building are crumbling; there is water damage to the original building especially to the inside of the façade, the ceilings and northern wall of the property; window frames are separating from the walls; the fireplaces have been gutted; the southern chimney removed; there are cracks in internal walls; mould and mildew is present in the upstairs rooms; floors are rotting; Perspex has been placed on the exterior of the upper east facing windows; and the lath plaster is coming off some internal walls and ceiling.</p>

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					<p>The rear of the building has been added to in 2 separate phases in about the 1960's and 1980's in cream brick construction and these additions have no heritage value. The cracking along the northern wall of the original building is also evident in these later additions.</p> <p>While Council's Heritage Advisor was not involved in the on-site inspection, the following comments were provided from a view outside the property: <i>the condition of a place is generally not of principal consideration in its assessment for a heritage overlay, unless the condition has noticeably influenced the integrity of the place. Based on the visual inspection of 11 Mercer Street, whilst the fabric has deteriorated, the condition of the building would not appear to be so poor as to have undermined its heritage integrity (the fabric comprising the aesthetic significance of the place and which embodies its historical significance). This is different to structural integrity (the fabric ensuring that the building is structurally sound), and without prejudice to any structural assessment by a suitably qualified Engineer, no further comment can be made (any structural assessment should have regard to the articles of the Burra Charter).</i></p> <p><i>The condition, costs associated with repair, and owner's needs are important considerations following the evaluation of significance. They are issues identified in Article 6.3 of the Burra Charter. In relation to 11 Mercer Street, these issues would be addressed as part of a planning permit. While the purpose of the heritage overlay is to retain places of heritage significance, and while the Decision Guidelines at Clause 43</i></p>

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					<p><i>make no reference to condition and costs, these issues might be considered in relation to Section 4(a) of the Planning and Environment Act which states: provide for the fair, orderly, economic and sustainable use, and development of land.</i></p> <p><i>It is therefore at the planning permit stage where a number of the Submitter's issues would be addressed and assessed. Consideration may be given to:</i></p> <ul style="list-style-type: none"> <li><i>• Whether the place is currently inhabited.</i></li> <li><i>• Whether the place is ruinous.</i></li> <li><i>• Whether the place can be reasonably repaired and adapted to provide for an environmentally sustainable outcome.</i></li> </ul> <p><i>The altered state of the building is noted in the heritage citation. Most of the comparable examples also have altered ground floor shopfronts and the introduction of cantilevered verandahs. Restoration though is possible as evidenced by the Steam Coach Hotel at 49 Mercer Street.</i></p> <p>4. Development potential Several planning panels have considered the issue of whether the development potential for a site should preclude the inclusion of a site in the heritage overlay. As recently as Greater Bendigo C223 Panel Report 19 September 2017, the Panel in that case adopted the views of the Yarra C157 and C163 Panel: <i>"The Panel therefore finds that the Heritage Overlay should be applied to places of identified heritage significance without reference to the effect that this may have</i></p>

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					<p><i>on other planning objectives. Other issues and objectives should be considered within the context of heritage management policies or the decision-making process.”( PRS Guide to Planning Panels, 3M) [extracted from Greater Bendigo C223 Panel Report page 13]</i></p> <p>Greater Bendigo C223 Panel concluded that “<i>Council is required by the Planning and Environment Act 1987 to identify and protect places of heritage significance. The Panel’s principal role is to consider whether a property has heritage significance. If heritage significance has been clearly established, it must recommend that appropriate heritage protection be applied unless outweighed by community-wide social and economic considerations</i>”.</p> <p>It is clear from the body of heritage-based Panel Reports that it is vital to first determine the heritage significance of a site first and if appropriate, to apply the heritage overlay. Then, at a subsequent development application, all the issues and Planning Scheme objectives are to be considered and balanced in making a planning permit decision.</p> <p>There are sometimes competing objectives in a Planning Scheme that a statutory planner will need to consider as part of the assessment of a planning permit application. This will be guided by the State and Local Policy Framework and the objectives of the zones and overlays. A decision will also be guided by achieving the orderly planning of the area and the effect on the amenity of the area.</p>

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					<p>For this site, the Activity Centre Zone (ACZ) and the LPPF objectives, strategies and requirements need to be read together. Whilst the ACZ has an objective to reconfigure and consolidate land to create viable development sites, the local planning policy for the Geelong Western Wedge (clause 21.10), amongst several objectives, seeks to “<i>increase development densities whilst protecting heritage areas and the amenity of public spaces</i>”, “<i>to rejuvenate underutilised sites within the Geelong Western Wedge</i>” and for Mercer Street “<i>to develop as lively boulevard with active street frontages with a mixture of services, sales and hospitality with residential and accommodation above and behind</i>”.</p> <p>The ACZ nominates a preferred minimum building height of 11 metres and a preferred maximum building height of 15 metres in this part of Mercer Street, and should provide an appropriate interface to protect the amenity of residentially zoned properties adjoining Western Beach.</p> <p>It is acknowledged that clearly there is a future of further development anticipated in the Mercer Street precinct. Whilst the submitter has no current planning permits for development nor a specific development proposal under conception, the removal of the HO1639 from the balance of the submitter’s estate will benefit future development options. The placement of the original part of 11 Mercer Street within the overall ‘estate’ is in the south western corner such that a development could be planned around it – it is not sitting in the middle of the site where its retention would have an impact on future development design.</p>

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					<p>The key issue though at the amendment stage is the heritage significance of the property, and for the original building on the front portion of 11 Mercer Street, this is identified by the CFHAR.</p> <p>5. Property value and costs A common theme in submissions opposing the inclusion of properties within a heritage overlay is that it will constrain property development potential and detrimentally affect land values.</p> <p>The application of a heritage overlay acknowledges that the site has heritage values (in this case, historic and aesthetic) and that these need to be considered in any future development proposal – refer to point 4 above. Section 4(1)(d) of the Planning and Environment Act 1987 outlines the objectives for planning in Victoria including: “to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.” The Planning Scheme, through the use of the heritage overlay, provides the mechanism and tool to do this. Again, as recently articulated in Greater Bendigo C223 Panel Report, the Panel noted that “given the basis and requirements of the Act, the Panel does not accept the principle of property and development rights as a reason to not apply the Heritage Overlay, nor does it accept compensation ought to apply.” This general opinion is also reported in many other panel reports for heritage based amendments to the Greater Geelong and other Planning Schemes.</p>

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					<p>Council's Heritage Advisor advises that "while not denying the Submitter's concerns about the loss of property value, the City Fringe Heritage Review was prepared to determine the cultural heritage significance of the place. As previously outlined, issues involving owner's needs, resources, external constraints are an important part of the post-heritage study and amendment process, and hence it is important that the Strategic Implementation Unit consults with the Submitter to ascertain whether the concerns about property value can be understood and addressed.</p> <p>The basis of the potential for the property to be undermined by the heritage overlay is unclear. While this is a matter for the City to determine (as opposed to the Heritage Advisor), in some cases, property values might be affected where:</p> <ul style="list-style-type: none"> <li>• There are site/physical constraints and further building or other development of the property is limited.</li> <li>• There are other planning zones or overlays that restrict further building development and subdivision.</li> </ul> <p>With regard to the above, Council's website provides the following:</p> <p>Heritage Victoria (Heritage Listing &amp; Property Valuations In Victoria, March 2001) recently reviewed a number of studies that investigated the effect of heritage listings upon property values and development potential. The studies ranged from those which indicated a positive impact upon property values</p>

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					<p><i>following heritage listing to those that indicated a negative impact. In summary, it found that:</i></p> <ul style="list-style-type: none"> <li><i>Research studies, both domestic and international, indicate that heritage listing on a macro level is not a significant factor in determining property value either at the time of listing or following. However, there are individual cases where the effects are more significant, either positive or negative. It is often difficult to estimate the specific effects of heritage listing on the value of a property since heritage controls do not prohibit development, subdivision or demolition but require that approval to be obtained. Where there is some capacity to develop the particular place and achieve additional development on the land without seriously compromising the heritage significance of the place, the impact on values may not be as great as where the capacity for further development is more limited.</i></li> </ul> <p><i>Based solely on heritage considerations, the size of the property and location of the building, and given the adjoining land also owned by the Submitter, there would appear to be opportunities to develop the rear portion of the site and adjoining land whilst retaining and enhancing the heritage building in a manner that has regard to the objectives of the Greater Geelong Planning Scheme (and subject to Council approval)."</i></p> <p>At the site visit, the submitter advised the Officer that the building is part of a development site that has been assembled over time with the intention to develop up to its maximum potential under the Planning Scheme. If the site is</p>

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					<p>included in the heritage overlay it will remain in the current condition as there is no intention to restore it.</p> <p>In response to the costs involved in the repair and adaptation of the neighbouring Brown Brothers store, Council's Heritage Advisor notes that <i>"this property is included on the Victorian Heritage Register and therefore it has involved more stringent heritage controls than those proposed at 11 Mercer Street (where no external paint controls or internal alteration controls are proposed)."</i></p> <p><u>Officer Recommendation:</u> The proposed inclusion of the site in an individual heritage overlay presents a challenging position for Council. The CFHAR has been undertaken to re-assess the heritage significance of the City Fringe Heritage Area based on current best practice and with the current planning scheme tools in mind, to re-assess the extent of the City Fringe Heritage Area and to prepare revised statement of significance, and mapped extent of local planning policy for the area. As part of this work, RBA Consultants identified that the building at 11 Mercer Street was of local heritage significance in its own right, and when coupled with the recommended changes to the City Fringe Heritage Area north section, that this building should be included in a separate heritage overlay. Council also however, decided 20+ years ago that heritage listing the site be abandoned as part of its decision on Amendment L12. So in effect the submitter is arguing that this issue has already been decided once and that this should not be raised again.</p>

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					<p>The citation sheet prepared for 11 Mercer Street in the CFHAR clearly elaborates on the inclusion of the site in the Geelong City Urban Conservation Study Site Schedule which was a one line entry identifying it as a circa 1855, stucco/cement render building that was part of the old commercial centre of Geelong with new ground level and canopy. A separate citation sheet was not prepared as part of the original study for all sites identified as being of local significance – the budget for the study did not accommodate this. However, post exhibition of the amendment funding was made available for citation sheets to be prepared for those buildings subject to submissions, including 11 Mercer Street. This was drafted but its status never progressed as the site was not included in the adopted Amendment L12. Given the level of detail required to meeting the current Planning Practice Note 01: Applying the Heritage Overlay (compared with those from the 1980's and 1990's), the current citation is more expansive but there are no notable variations between the earlier and the current assessments that have altered the level of significance of the building in the intervening 26 years.</p> <p>The former Trans Otway building in Ryrrie Street (36-44) was similarly treated by Amendment L12 to the extent that it was exhibited to be included as a significant site in the local context in the then Conservation Table. However, unlike 11 Mercer Street, there were no submissions about the site, hence the Panel did not need to make any specific findings on the site and it was recommended to be included in the adopted Amendment. Post the Panel the Trans Otway building was however also removed from that Amendment by</p>

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					<p>the Commissioners prior to adoption for the same generic reasons as 11 Mercer Street was removed.</p> <p>Like 11 Mercer Street, the CFHAR also identified the Trans Otway site as being of heritage significance and recommended it be included in the heritage overlay with a new statement of significance prepared. Representations by the owner and their consultant to the Council Administrators prior to, and during, question time at the 23 May 2017 Council meeting, saw this site removed from proposed Amendment C359 on the basis of the renewal processes for central Geelong, and importantly, the issue of a Ministerial Permit (PA16/00080) for a major 12 multi-storey office development. Whilst, the owner of 11 Mercer Street lodged an opposing letter with Administrators on the day of the May Council meeting, the circumstances surrounding the decision on the Trans Otway site differ to those applicable to 11 Mercer Street and it has been retained in the proposed Amendment. The landowner has been given an opportunity to respond to the amendment and is afforded the opportunity to have their submission considered by an Independent Panel.</p> <p>It is recommended to retain the proposed heritage overlay to 11 Mercer Street. Changes to the citation sheet outlined by the Heritage Advisor are also recommended:</p> <ul style="list-style-type: none"> <li>• Altering the assessment criteria for aesthetic value from Criterion E to Criterion D.</li> <li>• The non-significant fabric (particularly the rear mid 20th century building, front cantilevered verandah, ground floor shopfront and the projecting sign) being identified in</li> </ul>

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					<p>the Statement of Significance (for clarity) as per the Planning Practice Note: Applying the Heritage Overlay.</p> <ul style="list-style-type: none"> <li>• Further details on the condition of the existing fabric could be included in the citation for clarity. This may assist any future planning permit assessment should the heritage overlay apply to the property.</li> <li>• Including information from the Submitter about the provenance and extent of some of the alterations to the building, and when it ceased to be used as a residence.</li> </ul>
3	Bronwyn and Anthony Hall	278 Malop Street Geelong	Support	<p>Thanks Council for comprehensive survey to document and preserve the beauty of this historic part of Geelong. Encourages any further attempts to preserve the ambience of this area.</p>	Support noted.
4	Andrew Hunnam	27 Native Avenue Mount Duneed	Object	<p>Objects to the changes to the boundary for HO66 for 17 McCann Street Ceres as the site has a planning permit for the development of a substantial portion of the site. Proposed heritage control would apply to vacant land which would present challenges for any future development of the site. There is no community benefit in the proposal.</p>	<p>The planning permit for demolition and redevelopment of the site was issued prior to the exhibition of the amendment.</p> <p>The Ceres Historical Society and the affected land owner were negotiating to remove the former Sunday School building and place it on another site within Ceres, but with a lack of funding, this is not proceeding. Some fabric of the building, mostly the lining boards and interior, is however being salvaged by the Society.</p> <p>It is unnecessary to retain the expansion of HO66 onto the whole of the land at 17 McCann Street as part of this amendment. Rather, contraction of the HO66 to cover the former Church building and a curtilage along its southern side is recommended.</p>

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					<p><u>Officer Recommendation:</u> A change to the mapping of HO66 in the amendment is recommended.</p>
5	Andrew Hunnam	27 Native Avenue Mount Duneed	Object	<p>The Schedule to the Heritage Overlay needs to be amended to delete the tree controls from 25 Glenleith Avenue Drumcondra (HO696) as there are no trees of significance on site and no basis for this in the citation sheet.</p> <p>An old plum tree on the eastern boundary of the property was cut down by the new owners in 2016 which would have been significant as it was original to the property.</p> <p>Frustrating and disappointing that heritage controls are ignored and can be changed without repercussions</p>	<p>Contrary to the submission, the amendment <u>does</u> propose the deletion of the tree controls from this site as evidenced by the proposed change to the exhibited Schedule to Clause 43.01.</p> <p>In his assessment of a current permit application for buildings and works at this property, Council's Heritage Adviser has noted <i>"that tree controls apply to the property. Yet, the specific trees are not listed in the Schedule to the Heritage Overlay. The basis to the application of tree controls is the statement of significance in the supporting heritage study (in this case, the Geelong West Urban Conservation Study 1986). The statement of significance in the heritage study for this property makes not reference to significant trees. However, the description states that "the garden layout appears to be contemporary with the house." This can be assumed as the front garden as there is no indication that the consultants entered the site when prepared the heritage assessment. On this basis, the proposed tree removal is not considered contrary to the purpose of the heritage overlay. There will be no adverse affect."</i> There is no reference to a plum tree or any other individual tree in the citation sheet.</p> <p>Irrespective of this status, the Bushfire Protection Exemptions of Clause 52.48 of the Scheme, apply across the whole of Greater Geelong, and provide for the removal of vegetation, including trees, where they are within 10 metres of a building used for accommodation and built before 10/9/2009 and within</p>

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					<p>a width of 4 metres either side of an existing fence on a boundary between properties in different ownership and constructed before 10/9/2009. These provisions over-ride the heritage overlay requirements and may be the basis on which the plum tree was cut down in 2016.</p> <p>Officer Recommendation: No change to the amendment is required or recommended.</p>
6	BJK Planning on behalf of Mr John Finnigan	22 John Street Geelong West	Object	<ul style="list-style-type: none"> <li>• Supports the deletion of 25-29 Ryrie Street Geelong from the current HO1639</li> <li>• Opposes the inclusion of the property in HO1637 Geelong Commercial Heritage Areas</li> <li>• Opposes identification of 25-29 Ryrie Street as a contributory property within the proposed expanded area of HO1637</li> </ul> <p>The Policy Basis of HO1637 does not identify mid- century architecture as a significant element of the proposed (revised) Geelong Commercial Heritage Area. Moreover, the building at 25-29 Ryrie Street is not a notable example of its architectural era. Notable examples of heritage buildings on sites that are in proximity to 25-29 Ryrie Street are most</p>	<p>The City Fringe Heritage Area Review (CFHAR) has identified that the grouping of commercial and light industrial buildings located on Ryrie Street west of Fenwick Street, and which date from the Victorian period through to the Post-war period, are largely intact and should be added to the Geelong Commercial Heritage Area (HO1637).</p> <p>Officers engaged Council's heritage adviser to appraise the issues raised by this submitter and how this area fitted into the Geelong Commercial Heritage Area. The following is the comprehensive analysis and advice:</p> <p><i>"The City Fringe Heritage Review recommends the property at 25-29 Ryrie Street is included in the existing Geelong Commercial Heritage Area HO1637, with this heritage area extended westwards. The extended heritage area is also to include the neighbouring Victorian, interwar and postwar buildings from 31 to 35a Ryrie Street and the buildings on the south side of the street to 16-18 Ryrie Street, together with properties in Wesley Street and the property at 5 Little Ryrie Street.</i></p>

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				<p>commonly contained within individual overlays. This method of identification of significant buildings is considered more appropriate within an area containing heritage assets that lack that cohesive elements (era, scale, materials, etc...) to create a genuine 'precinct'.</p> <p>Approximately 1.0 metre of the western side of the existing building at 25-29 Ryrie Street extends onto land that is currently leased from VicTrack. VicTrack does not support any arrangements to permanently include the leased land within the title of 25-29 Ryrie Street, such that any a future proposal to redevelop the land will need to be contained within the title boundary of 25-29 Ryrie Street. This will affect a reasonable portion of the original building fabric that maybe sought to be retained by proposed HO1637 and will diminish the intended contribution of the property to the proposed heritage overlay.</p>	<p><i>The subject building is currently graded "not significant" by virtue of it not being specifically identified in the Geelong City Urban Conservation Study (1991), volume 5. The building is recommended in the City Fringe Heritage Review to have contributory significance as part of the Geelong Commercial Heritage Area HO1637. The policy basis for the Geelong Commercial Heritage Area at Clause 22.20 has also been revised to account for the outcomes of the Review.</i></p> <p><i>The following discussion focusses predominantly on the subject building, but there are implications on other postwar buildings recommended for contributory significance in the extended Geelong Commercial Heritage Area.</i></p> <p><i>The City Fringe Heritage Review describes the building at 25-29 Ryrie Street as being a "mostly intact shop with distinctive canted shopfront" built in the mid 20th century. This and other details support the postwar era design of the building.</i></p> <p><i>No historical documentation has been provided in support of the provenance of the subject building. The following research has therefore been carried out that confirms the postwar construction of the building:1</i></p> <p><i>The land at 25-29 Ryrie Street was originally vacant and owned by the Victorian Railway Commissioners. In 1947, C.P. Hornsey and Son, painters, applied for a building permit "to erect ex. RAAF Hut on Railway Land." Permission was granted by a Council subcommittee "subject to renew in 2 years." No additional building permit could be found for permit renewal two years later. The first record of "hut and land" in the Geelong</i></p>

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					<p><i>Council Rate Books (Villamanta Ward) is in 1949. The land remained owned by the Victorian Railway Commissioners and was leased to Charles Percival Hornsey. At this time he held the lease to a brick shop and land immediately west at 19 Ryrie Street, owned by Frederick Charles Purnell, architect.</i></p> <p><i>The existing shop was built in 1953 [the Rate Book for 1952 listed hut and land] for Charles Hornsey, replacing the earlier RAAF hut. The property remained under the ownership of the Victorian Railway Commissioners. The Rate Books described the building as a concrete and brick building with an assessed annual value of £90.</i></p> <p><i>The neighbouring buildings immediately east of the subject site on the north side of Ryrie Street (to Fenwick Street) were built at different times. At 31-33 Ryrie Street, the existing parapeted brick building was built in 1892-93 as a Cordial Factory (with changes to the front façade in c.1920s);<sup>2</sup> at 35 Ryrie Street, the temperance hall was built in 1878 (with alterations and addition of front cream brick wing in 1941)<sup>3</sup> and at 35a Ryrie Street, the corner shop and detached flats fronting Fenwick Street were designed by the local architects, Shefferle and Davies, in 1948 (the flats were built at this time but the shop was not constructed until 1952).<sup>4</sup></i></p> <p><i>The change in character of Ryrie Street at this western end, and particularly west of Fenwick Street on the north side of Ryrie Street is a physical embodiment of the area between Fenwick Street and Latrobe Terrace being set aside for churches, schools, other institutional buildings and dwellings after the original (1838) layout of the town reserve (this area was from</i></p>

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					<p><i>Corio Bay to the Barwon River, and to Swanston Street to the west and Gheringhap Street to the west).</i></p> <p><i>This is manifested in both the existing church and school buildings, former Wesleyan Manse (1 Little Ryrie Street) and street names (in the use of Wesley Street and Wesley Place). This area is also punctuated by the Melbourne to Geelong railway line and tunnel. Not surprisingly, the Geelong City Urban Conservation Study (volume 3) had proposed this area as Urban Area 6.1 for the reasons mentioned above.</i></p> <p><i>The proposed inclusion of the subject building and other neighbouring postwar era commercial and residential buildings as an extension of the Geelong Commercial Heritage Area is a valid alternative to the initial heritage area proposed in the Geelong City Urban Conservation Study. However, unlike the documentation provided in support of the new heritage areas proposed to replace parts of the existing City Fringe Heritage Area, no such historical and physical evidence, and statement of significance has been prepared as part of the City Fringe Heritage Review to support these additional postwar era places. It is recognised that a full review of the Geelong Commercial Heritage Area was beyond the scope of the Review. The difficulty is that, the Thematic History (volume 2), the proposed Significant Area (volume 3) and the Site Schedules/Listings (volume 5) in the Geelong City Urban Conservation Study make no reference to postwar era development. The one exception is the former Trans Otway Building at 36-44 Ryrie Street that was recommended for local significance but removed by Council as part of the adoption of the City Fringe Heritage Review (having also previously been removed by the City of Greater Geelong</i></p>

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					<p><i>Commissioners in 1994 as part of Amendment L12). Volume 2 of the Geelong City Urban Conservation Study graphically illustrates (in maps) further development in Ryrie Street west of Fenwick Street in 1925 and 1945, but no analysis and assessment is given of the relative importance of the latter period of development to this area (the map for 1945 for the row of properties on the north side of Ryrie Street, west of Fenwick Street, is identical to that shown on the map for 1925). Similarly, no analysis was given to postwar era woolstore developments in the Woolstores Industrial Heritage Area HO1638, which have been identified in the heritage assessment for the former Woolstore at 20 Brougham Street.</i></p> <p><i>At issue therefore with the inclusion of the shop at 25-29 Ryrie Street and other postwar era buildings as a western extension of the existing Geelong Commercial Heritage Area is that “the significance of the place as a basis for its inclusion in the Heritage Overlay” has not been justified, or a statement of significance prepared that “clearly establishes the importance of the place and addresses heritage criteria” as outlined in the Practice Note: Applying the Heritage Overlay. The existing policy basis in the Planning Scheme (and the revised policy basis) for the Geelong Commercial Heritage Area includes the significant era of development as being the 19th century to the postwar era. However, it appears that the intention has been for the significant period of development to have been “up to” and not “including” the postwar era based on the significance status in the Geelong City Urban Conservation Study Site Schedule (ie. the lack of any postwar buildings listed as contributory significance).</i></p>

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					<p><i>At face value, the shop at 25-29 Ryrie Street and other postwar era places that have been identified are worthy of having contributory status as part of the heritage area, but further analysis is suggested to determine all postwar era buildings in the existing Geelong Commercial Heritage Area that may be worthy of the same significance status. This analysis should therefore involve a review of the Geelong Commercial Heritage Area (as per the documentation in support of the proposed heritage areas in the City Fringe Heritage Review) at a later stage beyond this amendment to support their significance as part of the heritage area.”</i></p> <p>The Heritage Adviser has further opined:</p> <p><i>“While the contributory significance status of the shop at 25-29 Ryrie Street has merit, the concerns raised by the Submitter in relation to the lack of identification of other postwar buildings in the Geelong Commercial Heritage Area is valid.”</i></p> <p>1 See Geelong City Council Rate Books, 1930-60, Geelong Library &amp; Heritage Centre, Geelong Waterworks &amp; Sewerage Trust Detail Plans (no.28), n.d. [c.1914], 13 March 1963 &amp; 25 March 1969, City of Greater Geelong Planning Department, and Geelong City Council Building Permit Registers, 1947-53, City of Greater Geelong Building Department.</p> <p>2 Geelong Town Council Rate Books, 1892-93, op.cit. The increase in net annual value of the property from £36 in 1922 to £48 in 1927 (as listed in the Rate Books) might suggest that the front façade was altered and extended at this time.</p> <p>3 <i>Geelong Advertiser</i>, 18 April 1878, p.2 &amp; Geelong Town Council Rate Books, 1925-1940. The net annual value increased from £40 in 1940 to £60 in 1941 which suggests that the alterations &amp; additions were carried out during this period.</p>

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					<p>4 Geelong Council Building Permit Register, 1948, op.cit &amp; Geelong Town Council Rate Books, 1951-52, op.cit.</p> <p>It is the recommendation of the Heritage Advisor that the proposed western extension of the Geelong Commercial Heritage Area centred along Ryrie Street be deleted from the amendment and that the Geelong Commercial Heritage Area be fully reviewed to account for other postwar development of potential significance, and to accord with the Planning Practice Note. The Heritage Adviser recognises that this approach will see some buildings of proposed contributory significance vulnerable during the intervening period, but that ultimately the analysis should assist in providing a sound basis for the revised heritage values of this existing heritage area.</p> <p>Officers support this advice.</p> <p>This advice parallels the action of the recently adopted Municipal Heritage Strategy to prepare a Heritage Assessment Policy to prioritise future planning work, including updating the overlays for central Geelong in the short-medium term.</p> <p><u>Officer Recommendation:</u> Officers recommend deleting the properties centred on the Ryrie Street/Fenwick Street intersection from inclusion in the Geelong Commercial Heritage Area. A consequential change to the CFHAR will also be required.</p>
7	Spiire on behalf of Techne	2/10 Moorabool Street Geelong	Requests a change to the	Planning Permit PA15/00062 was issued on 19/6/2016 for a multi-storey building at 20 Brougham Street Geelong which includes the	Officers acknowledge that the planning permit for development at 20 Brougham Street was issued last year and it includes the retention of the former woolstore's façade. The nature of the

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	Montgomery Development		citation sheet	<p>intent to retain the external fabric of the existing building.</p> <p>Recognise that the woolstore is a significant part of the Geelong Waterfront area, appreciating the importance of considering the impact any future development may have on the built form and heritage value of the site.</p> <p>The statement of significance identifies the features and elements of the building, where these are detailed to include a saw-tooth roof design which has been considered to be of heritage significance within the totality of the building.</p> <p>Citation sheet notes the current building reflects an evolution of the change over time where extensions and alterations have been made. This is noted in the roof form, wherein the saw tooth roof was not the sole roof form and where, most significantly, it was subject to a change of axis from north-south to east-west.</p>	<p>permit development is such that the current roof will be removed with multiple storeys erected above.</p> <p>The citation sheet acknowledges the changes to the building over time and that future development of the site is possible. It sets out parameters that could be incorporated into the site.</p> <p>The submission describes that the current configuration of the saw-tooth roof form is a 1950's change and officers confirm that it can't be seen by pedestrians from Gheringhap or Brougham Streets around the site.</p> <p>As outlined earlier in response to the submission about 11 Mercer Street, it is important that Council consistently deals with proposals of similar circumstances. For 20 Brougham Street, a permit for a multi-storey development has been issued in much the same way as that for the former Trans Otway building in Ryrie Street. These permits were issued by the Minister for Planning in 2016 for major developments in central Geelong. The Ryrie Street site was excluded from Amendment C359 following consideration of the impact the amendment would have on the 12-storey re-development. This followed keen representation by the landowner to Council both prior to and at the Council meeting of 23 May 2017.</p> <p>Unlike the Ryrie Street site, this property was not identified in a previous heritage or urban conservation study as being of significance. A preliminary heritage assessment was prepared by Dr David Rowe in early 2015 (as outlined in the Woolstore Heritage Assessment May 2017), but the final heritage assessment was prepared post the issue of the planning permit</p>

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				<p>The building and roof form has seen a number of iterations and not remained as a pristine example of early 20<sup>th</sup> century architecture; the saw tooth roof was not an integral part of the building's design and emerged from a 1950's rebuilt and altered structure. Therefore, the saw tooth roof is not considered to be 'original' in the context of the heritage woolstore building.</p> <p>In the current design of the building the saw tooth roof is screened by the brick parapet, preventing the roof from being visible from the surrounding streetscape. The opportunity exists within the detailed design of PA15/00062 to retain the three dimensional interpretation of the building without recourse to retain expansive areas of the saw tooth roof, as shown in concept plans.</p> <p>Questions the value of retaining some portion of the roof in any future development (as stated in the citation sheet) where it is not original in terms of age or axis of orientation. Other buildings within the heritage area</p>	<p>PA15/00062 which doesn't provide for the retention of any of the current saw-tooth roof form.</p> <p>The submitter has not opposed the application of the heritage overlay to the site but has made a reasoned argument against one aspect of the "Other recommendations" section of the accompanying statement of significance.</p> <p><u>Officer Recommendation:</u> As the development has received a planning permit that would remove the current roof form, it is recommended that this submission be supported and the citation sheet amended.</p>

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				<p>incorporate such roof forms with greater integrity to the original built form.</p> <p>Generally supportive of protecting significant heritage structures and design for the site can retain the existing built form as an integral element of the future building, blending the historical significance with the commercial evolution of the area. However, questions the retention of some portion of the saw tooth roof. Statement of significance fails to note the existing planning permit for development.</p> <p>Submits that the amendment remove reference to the requirement to retain the saw tooth roof form.</p>	
8	Select Group on behalf of owner of 100 McCann Street Ceres	Level 3, 117 Myers Street Geelong	Comment	<p>Submits own expert heritage advice about 100 McCann Street Ceres.</p> <p>Seeks a change to the statement of significance to clarify that the gable roof section at the rear of the cottage is not of heritage significance.</p> <p>Requests that the northern boundary of the heritage overlay be amended to exclude the modern prefabricated</p>	<p>Accept both requests of this submission.</p> <p><b>Officer Recommendation:</b> Officers support changing the statement of significance to clearly articulate that the 1940's gable roof extension is not significant.</p> <p>Officers also support modifying the extent of the northern boundary of the heritage overlay to be 3.5 metres north and parallel to the north face of the Cottage. This will eliminate the pre-fabricated building from the heritage overlay.</p>

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				building on the northern side of the cottage in accordance with a submitted aerial photo.	
9	Tract Consultants Pty Ltd	185 Lennox Street Richmond	Support	<p>Supports the amendment as it affects the property at 9 Scarlett Street Geelong West (the former rope run site) to remove the Heritage Overlay and the Environmental Audit Overlay from the land.</p> <p>Submission reiterates the background to the removal of the heritage structures on the site, the changes being made by Heritage Victoria to remove the site from its registry and the environmental audit process being undertaken to issue and Certificate of Environmental Audit. It also acknowledges the current planning permit application for subdivision and development of the site.</p> <p>Asks Council to consider the merits of splitting the amendment should no submissions be made in relation to 9 Scarlett Street.</p>	<p>Support for the amendment is acknowledged. As of 13 November 2017, the Certificate of Environmental Audit had not been finalised and issued, but it is imminent. It is vital to have the Certificate issued prior to adopting removal of the EAO. This was noted to the applicant/submitter at the time officers agreed to add this into Amendment C359.</p> <p><b>Officer Recommendation:</b> Officers recommend no change to this aspect of the amendment. As the Certificate of Environmental Audit is not yet issued, it is premature to make any changes to the amendment that would see the components related to 9 Scarlett Street (removal of the EAO and HO741) extracted and adopted as C359 Part 1.</p>
10	National Trust - Geelong and		Part Support and Part Objection	<p>1. Supports the application of heritage overlay to the 6 places in Ceres.</p>	<p>1. Support for Ceres accepted. Note however, as per the response to Submission 4, it is recommended to change the extent of the HO66 for 17 McCann Street Ceres.</p>

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	Region Branch			<p>2. Submits:</p> <ul style="list-style-type: none"> <li>• that eight Ceres places be reviewed with the objective of recording their present status                             <ul style="list-style-type: none"> <li>○ if they still exist</li> <li>○ if they have been reviewed in this current study and have been deemed of insufficient heritage value to warrant heritage overlay to determine whether they should be included in Amendment C359</li> </ul> </li> <li>• that this review information of these eight places be made available to the public so there is an understanding of the heritage places which have been lost in the years since the City of Greater Geelong, Outer Areas Heritage Study Stage 2 1998-2000 was completed, including the circumstances about the reasons for the de-listing of the Holdsworth and McCann quarries.</li> <li>• that the Municipal Heritage Strategy 2017-2021 Action</li> </ul>	<p>2. The Outer Areas Heritage Study 1998-2000 identified 24 places of heritage significance in Ceres and surrounds. Of these, 11 are already included in a heritage overlay. Two of the balance, being the Holdsworth Quarry and the McCanns Sandstone Quarry, were not recommended for inclusion in a heritage overlay in the planning scheme but were recorded on the Heritage inventory as archaeological sites. Unfortunately for the remaining 11 properties with recommendations for inclusion in the heritage overlay, these were never part of a subsequent planning scheme amendment. This was noted in 2016 when the former Sunday School was listed for sale and no heritage overlay was found to apply to the whole of the building. Due to the passing of time between 2000 and 2016, the citation sheets for these sites needed to be updated to meet the criteria of the Planning Practice Note for Applying the Heritage Overlay before they could be included in an amendment. In assessing these places and scoping the project, it was determined to update only the citation sheets for those properties that would warrant inclusion in the heritage overlay and for which budget was available.</p> <p>Published as supporting information on Council's website accompanying the exhibition of C359, the <i>Ceres Heritage Citations Project</i>, May 2017 at Section 1.3 outlines why some of the places identified in the Outer Areas Heritage Study were not included in the 'refresh' of the citations and therefore not included in C359:</p> <ul style="list-style-type: none"> <li>• 335 Barrabool Rd 'Moncrieff' house and garden – excluded as substantially altered diminishing its</li> </ul>

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				<p>Plan be implemented to ensure that the rest of the recommendations of the City of Greater Geelong, Outer Areas Heritage Study Stage 2 1998-20 be reviewed, as an urgent priority, to ensure that further identified heritage places are not lost.</p> <p>3. Strongly supports the inclusion of the Denny Lascelles Wool Store at 20 Brougham St in the heritage overlay. Strongly objects to the permit, issued by the Minister on recommendation by the Geelong Authority, and without public input, for the Denny Lascelles Wool Store at 20 Brougham St to be reduced to a façade, for a high rise structure to be built above the heritage structure.</p> <p>4. Requests that the review expressed in the Council's intention outlined in February 2017 and recorded in the Council Minutes 23rd May 2017, ... <i>that the status of the Wool Stores Industrial Heritage precinct area HO1638, needs review ... be</i></p>	<p>significance and would not meet the current day significance assessment criteria</p> <ul style="list-style-type: none"> <li>• 420 Barrabool Rd Seidel's Vineyard Ruins – incorrect association of this in original study with 400 Barrabool Road. The ruins are included on the Victorian Heritage Inventory. Consistent with other similar archaeological sites in Lara with no heritage overlay recommended.</li> <li>• 410 Barrabool Rd Seidel's Vineyard cellar ruins – information in original study is incorrect as the subterranean structure is a less than 50 year old water tank and this is unsuitable for the Victorian Heritage Inventory or a heritage overlay.</li> <li>• 65 Gully Rd - 'Fairlie' Homestead and outbuilding – buildings have collapsed and likely in ruins. These may be recommended for the Victorian Heritage Inventory.</li> <li>• 260 Gully Rd drain outfall – Portion closest to Gully Road has been rebuilt since the original study. The history and description to be updated in a revised citation sheet. Will determine if a heritage overlay or listing on the Victoria Heritage Inventory is required as part of a future amendment.</li> <li>• Off Gully Rd Holdsworth quarry – was never recommended for inclusion in a heritage overlay but is listed on the Heritage Inventory.</li> <li>• Off Gully Rd McCann quarry – was never recommended for inclusion in a heritage overlay but was listed on the Victorian Heritage Inventory.</li> </ul> <p>As these places do not form part of Amendment C359 they are outside the scope for inclusion in the amendment post</p>

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				<p>undertaken by Council in the near future as an urgent priority. 26 This Review of the boundaries of the Wool Stores Industrial Heritage precinct area HO1638, should include adding any other places contributing to the Precinct, such as Cunningham Pier.</p> <p>This Review should consider applying to the Australian Heritage Council for registration of the Wool Stores Industrial Heritage precinct area on the National Heritage List.</p> <p>5. Objects to the removal from the heritage overlay of the following properties in the City Fringe - Eastern Precinct:</p> <ul style="list-style-type: none"> <li>• no's 1-7 Fyfe Place</li> <li>• 238 Malop Street</li> <li>• 221 Myers Street</li> <li>• no's 14-24 Swanston Street</li> <li>• no's 3-7, 8 Admiral Place</li> <li>• no's 109-113, 118-126, 153-165 Corio Street</li> <li>• no's 86-88 Sydney Parade</li> </ul> <p>as retaining these properties within the heritage overlay will</p>	<p>exhibition. However, the Municipal Heritage Strategy has recently been adopted and it will now move to implementation phase. This Plan includes a short-medium term action of preparing a heritage assessment to prioritise future planning work, including the implementation of outstanding recommendations in the Outer Areas Heritage Study and update those for central Geelong. Another short term action is the identify gaps where existing strategies/registers recommend planning protection but they have yet to be implemented. This will be subject to Council budget work program and budget allocations.</p> <p><u>Officer Recommendation:</u> No change to the amendment is recommended. The National Trust should contact the convenors of the Heritage Inventory to determine their current status.</p> <p>3. Support acknowledged. As the permit has been decided and issued there is no process for an objection to be considered at this time. Note however, as per the response to Submission 7, it is recommended to change citation sheet for 20 Brougham Street.</p> <p><u>Officer Recommendation:</u> No change to the amendment is recommended.</p> <p>4. Again, as part of the commitment in the Heritage Strategy to update the overlays for central Geelong, work on a woolstores heritage area can be picked up at that time. The commitment to further studies and work is beyond the scope of Amendment C359.</p>

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				<p>protect them from inappropriate development.</p> <p>6. Objects to the removal from the heritage overlay from commercial properties in Mercer Street.</p> <p>7. Objects to the removal of 34 Western Beach Rd from the heritage overlay as this property should become part of the proposed HO2018 Western Beach Road Heritage Area, to retain planning controls over the entire precinct.</p> <p>8. Submits that the former Trans Otway Limited building at 36-44 Ryrie Street has been identified as of local significance and should be included in the Heritage Overlay in Amendment C359. Objects to the removal of this building from the Amendment at the Council meeting 23 May 2017 seemingly without due process.</p> <p>9. Submits that the former Donaghy's Rope Walk in Geelong West was recently demolished without prior general public</p>	<p>As part of the review some places around the periphery of the City Fringe Heritage Area - East section are being deleted from the heritage overlay HO1639. All the places outlined by the National Trust are either recent or 'relatively new development' that do not contribute to the Precinct and have no heritage significance. Continued inclusion of these places in the Precinct is anomalous and detracts from its integrity. Specifically for the places at 118-126-128 Corio Street, these will be physically separated from both the City East Precinct and the Austin Park and Environs Precincts and will have no relationship with either. The more recent redevelopment of the sites being deleted is such that any further development may be a long time away.</p> <p><u>Officer Recommendation:</u> No change to the amendment is recommended.</p> <p>5. The City Fringe Heritage Area Review for the north section did not recommend retention of any precinct in Mercer Street. The Review found that most of the significant commercial buildings are subject to an individual heritage overlay, with the exception being 11 Mercer Street (cross reference to submission 2). The Review noted that most of the ungraded commercial properties in the existing precinct date from the mid-20th century. These buildings, together with other commercial places located outside the current precinct boundary, form a group of mid-20th century showrooms/workshops to Mercer Street which are generally associated with the automotive industry. Whilst there is generally less acceptance of the heritage value of more</p>

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				<p>knowledge. Notes that this property held a Heritage Victoria registration VHR 1169, for permit authority, however it should be recorded that this was a lamentable decision and hasty decision and further erodes Geelong's wonderful industrial heritage.</p> <p>10. Objects to the removal of two contributory properties at 40 Fenwick Street and 253 Latrobe Terrace as part of the changes to the west area of the City Fringe Heritage Area</p>	<p>recent/Post-war places, this relatively intact group may warrant further investigation in a future 20th century gap study.</p> <p>There is no recommendation in the CFHAR to retain a precinct as part of this Amendment and this is supported by officers. Individual heritage overlays will still apply to significant sites along Mercer Street.</p> <p><u>Officer Recommendation:</u> No change is recommended to the amendment.</p> <p>6. HO1185 currently applies to 34 Western Beach Road. The heritage listed house on the site was demolished years ago after the issue of a planning permit 732/97 was issued on 30 April 1998 for a dwelling over 7.5 metres in height. The current house was constructed in its place. Unfortunately a subsequent correction to the heritage overlay was not made at that time. Contrary to the submission, the amendment is proposing to include the land at 34 Western Beach Road within the new Western Beach Road Heritage Area and within proposed new HO2018. It is a non-contributory building.</p> <p><u>Officer Recommendation:</u> No change to the amendment is recommended.</p> <p>7. Council determined not to include the former Trans Otway building as part of its decision on preparing this amendment, as the site has a recent planning permit from the Minister for Planning to construct a multi-storey office tower. Council</p>

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					<p>made this decision in an open Council meeting following representation by the landowner during question time. Council also determined the heritage status of the site by its decision on Amendment L12 in 1994. Inclusion of the site post exhibition is beyond the scope of Amendment C359 and is not supported.</p> <p><u>Officer Recommendation:</u> No change to the amendment is recommended.</p> <p>8. The site of Former Donaghy's Rope Walk is 9 Scarlett Street Geelong West. Following the issue of an Emergency Order on 16<sup>th</sup> February 2017 to the previous landowner, the current landowner has inherited the responsibility to demolish and remove all on-site structures due to their dilapidated and derelict condition and the danger to life and property these posed. This order was carried out mid-year with all structures now removed. It was a necessary public health and safety decision.</p> <p>Heritage Victoria provided the landowner written confirmation that the demolition and removal of all on-site structures no longer required approval from Heritage Victoria. Heritage Victoria also confirmed that following the demolition and removal of all on-site structures no further approvals would be required and that they would instigate a process to remove the site from the Victorian Heritage Registry.</p> <p>Council's Heritage Adviser was accepting of the removal due to the fact that all on-site structures were to be removed and</p>

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					<p>also due to the fact that Heritage Victoria had confirmed that it intended to remove the registry identification.</p> <p>The existence of the Heritage Overlay across the subject site was due to the sites identification on the Victorian Heritage Registry. As the structures on site have been removed there is no need for the Heritage Overlay to be retained.</p> <p><u>Officer Recommendation:</u> To note the comments about the actions to remove the former structures. The submission is not opposing the changes proposed by the amendment.</p> <p>9. Council records do not show the property at 40 Fenwick Street to be a contributory building to the current City Fringe Heritage Area – west section. As this property is neither of significance nor a contributory place it is unnecessary to retain it in the heritage overlay. Further, it does not fit with the proposed new Myers Street Heritage Area.</p> <p>The property at 253 Latrobe Terrace is currently a contributory building to the City Fringe Heritage Area HO1639 (west section). With the changes proposed to the heritage overlay in this west section, the removal of this building from the heritage overlay is an unfortunate loss. There is no precinct either surrounding or in proximity to this site to which it could be attached and remain in the heritage overlay. The site is not of a threshold to be classified as individually significant. It is fairly intact but has altered windows, chimney and sashes.</p>

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					<p><u>Officer Recommendation:</u> No change to the amendment is recommended for either of these places</p>
11	Kim Graves of Tarita Giselle Nominees Pty Ltd	10 Coonil Crescent Malvern	Comment	<p>Seeks a change to the classification of 42-44 Western Beach Road from “contributory” to “non-contributory” in the City Fringe Heritage Area Review Part 2.</p> <p>The Review is factually incorrect as there are 2 entities on the site of which one consists of 6 bed sit units from the late 1950s to early 1960s and the other being a single 3 bedroom unit constructed in 1989/90. Whilst the external walls of each entity are constructed alongside each other, they are separate buildings. Both are modest and cheap constructions not meeting the thematic context for Western Beach Road Heritage Area of homes for the wealthy, middle class homes. The two buildings on site are not architecturally significant compared with recommended grading of other properties in the Review and would create an anomaly. Neither the objectives nor policy would be adversely or detrimentally</p>	<p>The submission is not opposed to the application of the heritage overlay HO2018 to 42-44 Western Beach Road but seeks a change to the classification given to the buildings in the CFHAR.</p> <p>Officers have sought advice from the consultant who prepared the CFHAR about how the submitter’s information would affect the status of the site. RBA Architects and Conservation Consultants has advised that the grading of the site can be altered to non-contributory. Reviewing the site, the consultants detect the later development phase (c1990) at the northern end of the site, though it has been well integrated at the front to appear as an original section. It is more obvious to the northern side and rear.</p> <p><u>Officer Recommendation:</u> It is recommended that the classification of 42-44 Western Beach Road in the CFHAR be changed to non-contributory.</p>

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				affected by changing the grading to non-contributory.	