

PANEL SUBMISSION

GREATER GEELONG PLANNING SCHEME AMENDMENT C422

CLAREMONT HOMESTEAD 12-16 KINSMEAD STREET, WAURN PONDS PERMANENT HERITAGE OVERLAY

Part B Submission to the Independent Panel

Panel: Jennifer Moles (Chair)
Date: Thursday 21 October 2021
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Contents

- INTRODUCTION.....3**
- RESPONSE TO SUBMISSIONS.....5**
- RESPONSE TO ISSUES RAISED IN SUBMISSIONS5**
 - IS A PERMANENT HERITAGE OVERLAY WARRANTED? 5
 - BUILDING CONDITION 7
 - FUTURE DEVELOPMENT AND USE OF THE SITE 11
 - FUTURE ACCESS AND TRAFFIC IMPACTS..... 15
 - CHANGES TO THE DESIGN GUIDELINES INCORPORATED DOCUMENT 16
 - CONSULTATION 23
 - FINANCIAL IMPACT OF THE HERITAGE OVERLAY 24
 - RETENTION OF THE NORFOLK ISLAND PINE TREE..... 26
 - LISTING BY HERITAGE VICTORIA..... 27
 - IMPLEMENTATION OF OUTER AREAS HERITAGE STUDY AND REFERENCES IN LOCAL POLICY.. 28
- PEER REVIEW OF STRUCTURAL ASSESSMENT.....29**
- RESPONSE TO EVIDENCE TABLED..... 30**
 - MS NICOLE LOCK 30
 - NATIONAL TRUST OF AUSTRALIA (VICTORIA), GEELONG AND REGION BRANCH..... 31
- FINAL POSITION ON THE AMENDMENT33**
- CONCLUSION 33**
- APPENDICES 34**
 - APPENDIX 1 35

INTRODUCTION

1. This submission has been prepared by the Planning Authority, the City of Greater Geelong, and seeks the Panel's support for Amendment C422ggee. The Amendment is a Council initiated planning scheme amendment.
2. The submission is in response to version 1 Panel Direction #3. *At the Hearing Council must provide a Part B submission that:*
 - responds to submissions and evidence
 - provides its final position on the Amendment.
3. The land to which the Amendment applies is in 12-16 Kinsmead Street, Waurn Ponds as shown below.



4. Amendment C422ggee proposes to apply a permanent heritage control to 12-16 Kinsmead Street, Waurn Ponds. It will do this by amending the Schedule to Clause 43.01 Heritage Overlay (HO) to include the house and land in the heritage overlay on a permanent basis and to include design guidelines for new development on the site as an incorporated document to clause 72.04. The *Greater Geelong Outer Areas Heritage Study Stage 2 Review: Claremont Homestead 12-16 Kinsmead Street,*

Waurin Ponds, June 2020 heritage assessment report prepared by Authentic Heritage Services Pty Ltd is included as a reference document in Clause 22.09.

5. We laid out the history and strategic policy basis for the Amendment in our Part A Submission.

RESPONSE TO SUBMISSIONS

6. The key issues raised in submissions are categorised under the following themes:

- Is a permanent heritage overlay warranted?
- Building condition
- Future development and use of the site
- Future access and traffic impacts
- Changes to the Design Guidelines Incorporated Document
- Consultation
- Financial impact of the heritage overlay
- Retention of the Norfolk Island Pine Tree
- Listing By Heritage Victoria
- Implementation of the Outer Areas Heritage Study and References in Local Policy

7. This submission will now address each of these in turn.

RESPONSE TO ISSUES RAISED IN SUBMISSIONS

Is a permanent heritage overlay warranted?

What is the issue?

8. The objecting submissions oppose the application of the heritage overlay on a permanent basis for several reasons with the three key reasons being poor condition of the building, financial impact/cost of the overlay and other means of historical recognition of the Baum family. They submit that a permanent overlay is unnecessary to recognise the heritage of the Baum family in Waurm Ponds. These submissions have not addressed or challenged the significance of the place directly.

Council response

9. The property was under some threat of demolition which prompted Council to commission Dr David Rowe, Authentic Heritage Services Pty Ltd, to undertake a review and update of the heritage assessment in the Greater Geelong Outer Areas Heritage Study Stage 2 (prepared in 2000). On 8 September 2020 the Minister for Planning's delegate agreed to the Council's request for a Ministerial amendment to apply the Heritage overlay to 12-16 Kinsmead Street, Waurm Ponds on an interim

basis. The approval was gazetted on 17 September 2020 and the overlay now applies. The interim control was applied with an expiry date of 31 December 2021 to allow time for Council to prepare an amendment on a permanent basis.

10. The review found that the Claremont Homestead was built in 1857 to a design by local architects, Shaw and Dowden, for Thomas Powell. The Homestead has associations with the crop farming and vine and fruit growing in Waurn Ponds and the Barrabool Hills.
11. Claremont Homestead is one of the few surviving, intact Victorian dwellings in Waurn Ponds, and one of a select number of surviving, rural verandahed Victorian styled dwellings built in the 1850s in Greater Geelong. It is a representative example of the Victorian Georgian type in Greater Geelong. It has similar integrity to other comparable dwellings of its type in Greater Geelong included as heritage overlays.
12. The review also found that the Homestead has a mature Norfolk Island Pine, a local landmark, remnant of the early garden and has enduring associations with the Baum family for over 116 years.
13. The review recommended a heritage overlay for the site. Places identified in a local heritage study, provided the significance of the place can be shown to justify the application of the overlay, should be included in the heritage overlay.
14. The review found that the place was locally significant to the City of Greater Geelong, meeting the HERCON criterion A (historical significance), B (rarity), D (representativeness), E (aesthetic significance), F (technical significance) and H (associative significance). This work advanced the earlier work of the Outer Areas Heritage Study and confirms the local heritage significance of the site. No submission has provided contrary evidence or opinion on these findings.
15. Section 4 of the Act sets out the objectives of planning in Victoria with the key relevant one being:

“(d) to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historic interest or otherwise of special cultural value;”
16. This is supplemented by the policies of the Greater Geelong Planning Scheme to conserve and enhance individual places and areas of pre and post contact cultural heritage significance through retaining culturally significant heritage places and areas of pre and post contact cultural heritage significance, ensuring that the use and development of a heritage place contributes to its heritage significance and longevity,

and encouraging the design of new development in heritage areas to provide for a contemporary interpretation that relates to the location, bulk, form and materials of existing and /or neighbouring significant buildings.

17. Applying the Heritage Overlay to 12-16 Kinsmead Street, Waurm Ponds on a permanent basis implements Council's obligation to protect identified places of heritage significance.
18. We submit that the heritage review of the site establishes that the site is of cultural heritage significance according to several of the HERCON criteria and that a permanent heritage overlay is the appropriate statutory mechanism for protecting this homestead.
19. Other means of recognising significance through local records, family associations etc as outlined in the submissions, especially submission 34 are important and will complement the application of the heritage overlay. They provide valuable source material about the place for future generations and the wider community. Every effort to provide this information to the relevant repositories such as the Geelong Heritage Centre is encouraged.
20. We submit that the submissions and evidence have not countered our finding that the site is of local heritage significance.

Building condition

What is the issue?

21. Submissions opposed to the permanent heritage overlay have outlined the current poor condition of the homestead with structural cracks on load bearing walls, rotten floorboards and compromised walls and veranda. Submissions 34, 35 and 36 have included photographs and a builder's report have supported this contention, opining that there is little original material that could be re-used and a that a complete re-build would be necessary, resulting in a reproduction building. The preparation of the Heritage Review and the Statement of Significance was made without the benefit of a close-up external view and inspection of the integrity of the inside of the house. Submission 36 sought Council to put on hold the amendment and to undertake a structural assessment of the building.

Council response

22. This is an issue that is commonly raised to Council in response to proposed heritage listings and inclusion of properties in the Heritage Overlay.

23. The heritage significance of Claremont Homestead relates to it being one of the few surviving, intact Victorian dwellings in Waurin Ponds, is one of a select number of surviving, rural verandahed Victorian styled dwellings built in the 1850s in Greater Geelong, has historic association with one of the Waurin Ponds long time farming families, the Baum's, and had associations with crop farming and vine and fruit growing from the 1850s.
24. Council acknowledges that the consultant review of the site was not from close quarters, but rather was confined to site inspections from adjacent roads, which limited their intimate knowledge of the condition of the place. There is some acknowledgement and discussion in the Review that the condition was 'fair' when viewed from outside the property boundaries.
25. Post exhibition of Amendment C422 and the receipt of objecting submissions documenting problems with the structure, Council commissioned a structural engineering assessment to assess the existing conditions and structural integrity of the Claremont Homestead. The report by Block1 Pty Ltd, which has been circulated to all parties, has found that the homestead *"shows pronounced levels of deterioration to the slate roof and external masonry walls including two chimneys (that are leaning and present a clear danger to any occupants or visitors.) Most of the masonry walls (external and internal), and the slate roofing, is unrepairable and requires full replacement"*. The report paints a clear picture of deterioration of the dwelling and concludes that the *"only existing elements of Claremont Homestead that can remain (in part) are the roof framing, and subfloor timber framing, along with the two northern chimneys. It's possible parts of the verandahs might be salvageable, but only if heritage desired, which nonetheless would require full reworking with probably most of the timbers replaced."*
26. This Engineering assessment raised structural concerns regarding the integrity of the building, and in response the Municipal Building Surveyor issued an emergency order to require the site to be fenced with protective site fencing to prevent access to the building.
27. The Peer Review of this report by OPS Engineers is comprehensive and paints a reasonable picture of what work will be required to conserve and repair the building.
28. The report states that the structure doesn't warrant the level of demolition and rebuilding work proposed in the Block 1 Report. As stated at page 17 of their report, OPS Engineers ends their report as follows:

“In summary, we tend to agree with the scope of the observed deterioration and the treatment of the timber roof, ceiling, floor and verandah decking elements. Where we differ in our recommendations is the extent of the external and internal masonry walls and chimneys that require demolition and the ways to help ensure the long-term performance of the walls and floor structure. This is partly due to differences in opinion of the composition of the walls, but also in our consideration of ways to resist the impact of seasonal ground movements on the walls and methods to help limit observed cracking to enable maximum retention of the existing fabric while promoting a serviceable structure.”

29. The issue for consideration is whether condition is a valid consideration when identifying heritage places and protecting them through their inclusion in the heritage overlay. Or put another way, does the condition of the building compromise the ability to proceed with the heritage overlay? We submit that has been addressed in previous planning panel reviews of heritage amendments in Greater Geelong and other municipalities across Victoria.

30. In Moreland C149 the Panel said that condition is not generally to be relevant at the stage of listing, with exceptions being where there is a high certainty that the building would be demolished, or the extent of reparation would destroy the integrity of the building.

31. The Melbourne C207 Panel considered this matter further as follows:

We consider it is possible that condition may become relevant in the circumstances where the necessary renovations of a building, which is being considered for listing/retention, are so extensive that the original fabric of the building is in large measure lost and the form and nature of the heritage place would no longer be able to be appreciated. In that way, the significance of the place would be degraded. Again we expect that the certainty threshold would be a very high one.

32. The Greater Geelong C359 Panel also considered this principle in 2018 and found as follows:

The Panel accepts the long-standing principle that condition should not determine the heritage significance of a place, unless it impacts upon its integrity or how the significance of the place is understood. Ruins, for example, can still have cultural heritage significance, as long as they are understood in context. The Heritage Overlay is a decision making tool to manage the processes of conservation, alteration, additions or even demolition (including recording the fabric should

demolition be permitted) balanced with an understanding of heritage value. This is part of a two-stage process – the first stage is testing whether the place is significant at the planning scheme Amendment Stage. The second stage is planning permit stage – when there is a balance all of the issues including condition, replacement building and the like, against the heritage values of the place. On the matter of property rights and the ability to develop the land in the future, the Panel observes that Geelong has had heritage controls in place for many years and there are a plethora of examples where heritage fabric has been integrated with modern development.

33. In reference to a specific property in Mercer Street Geelong, the C359 Panel concluded:

The Panel concludes that the primary consideration for whether a place should be formally recognised in the planning scheme under the Heritage Overlay is whether it is of cultural heritage significance. As opposed to ‘intactness’ or ‘integrity’, the condition of a building does not inform whether a building is significant. The issue of condition is more appropriately considered at the planning permit stage when plans are put before the Council.

34. The Surf Coast C50 Panel explains that the issue about the management of heritage places stating that it is a two-stage process involving identification of the heritage significance of the place and then later on-going management of the place having regard to issues such as economics of building retention and repair, reasonable current day use requirements, balancing competing policies. In effect, the building condition will be considered at the time of considering any permit applications for future use and development at the site. The issue of cost impact of retaining and restoration of the Homestead are addressed later in this submission.
35. We submit that the Panel considers the long-held principle that the relevant issue in deciding whether to include a place in the heritage overlay is whether the place has heritage significance.
36. We submit that no contrary position or opposing evidence has been put by the submissions that the homestead does not meet the heritage criteria for local significance. The latest review by Authentic Heritage Services updated the heritage assessment from the Outer Areas Heritage Study Stage 2, also by Authentic Heritage Services in 2000. This original assessment had identified the heritage significance of the site and this has not diminished in the intervening period.

37. As requested in submission 36, Council undertook a structural engineering assessment of the homestead. Block 1 was engaged to do this work and the resulting report has been circulated to all parties and made available on Council's website since the Council meeting of 27 July 2021.
38. This report concluded that there were significant structural problems with the homestead and that restoration would be costly.
39. Council determined to peer review of the structural engineering assessment and this is addressed later in this presentation under the heading, Peer Review of Structural Assessment.
40. We submit that a place is run-down and in need of works to restore to a safe and habitable state but is substantially intact and retains its heritage values. Claremont is reasonably intact for a building constructed in the 1850s. Being in poor condition does not of itself disqualify a place from being included in the Heritage Overlay, whereas lack of intactness may do so. Whilst the structural assessment identifies some serious problems with the building, the peer review has concluded that the situation is not irredeemable.
41. Following the principle of the two-stage planning process, including the site in the heritage overlay on a permanent basis will allow for restoration possibilities to be explored.
42. We submit that should the present condition limit the ability of Claremont to be conserved or developed in accordance with the Design Guidelines, then such limitations can be investigated and considered in the context of approving future works through the permit approval process.

Future development and use of the site

What is the issue?

43. Many submissions are concerned about the future use and development of the site. Submitters are opposed to more intense development, two storey dwellings and smaller subdivided lots submitting that these will impact on the privacy of adjoining properties, views to the homestead and beyond, increase local traffic, and place more strain on existing services. Some submissions are opposed to any changes on the site as they seek to retain the status quo of this quiet residential area.

44. Submission 18 comments about alternative commercial uses for the site whilst submission 5 raises the issue of whether the balance of the land around the homestead will be retained as green space.

Council response

45. This amendment focuses on heritage matters affecting the significance of the site and provides guidance for any future development around the periphery. Matters beyond this such as subdivision design and road layout are beyond the scope of the amendment and will be considered as part of any future planning permit application under the requirements of the GRZ1.
46. Taking this further, we submit that this amendment is primarily about whether the heritage significance of the site is of a level that warrants permanent inclusion in the heritage overlay. We submit that this has been established in the Heritage Review and the Statement of Significance.
47. Council's Settlement Strategy aims for 50% of new residential development within Greater Geelong to be achieved by infill development within established urban areas by 2047. As this is a large site in a residential area, it is reasonable to expect that some additional development may be contemplated at the site and there will naturally be considerations about what happens to the balance of the site.
48. We submit that with the heritage overlay, consideration needs to be given to the impact that any development has on the heritage significance of the site.
49. The Statement of Significance for the site has provided comments about how best to protect this significance from additional development on the site. This has been translated into the Design Guidelines proposed to be incorporated into the Planning Scheme.
50. We submit that these Incorporated Plan Design Guidelines (Guidelines) have taken a balanced approach to protecting the significant aspects of the homestead and providing opportunities and constraints for subdivision and development around the periphery of the homestead.
51. The Guidelines allow consideration for development occurring in the more sensitive parts of the site, including limiting any development in the former orchard area and in the east driveway zones to single storey and allow consideration of two storey dwellings in the rear zone.

52. We submit that this is a reasonable response to the circumstances of the site and balances the heritage significance of the homestead with the large surrounding land area in a residential location.
53. We note that the land is within the General Residential Zone 1, not a Residential Growth Zone, leading to a lessened expectation of substantial development potential for the site. A nuanced response for development proposals on sites with unique characteristics such as heritage will be balanced at the planning permit stage through design response. At this stage in the planning process, the identification and protection of the identified heritage value of 12-16 Kinsmead Street is the matter being considered.
54. We submit that the use of the Heritage Overlay to restrict development and for achieving other aims such as ensuring the privacy or views of a neighbour, or to regulate the order and proper planning of the area or to limit traffic movement is beyond the purpose of the overlay but rather rightly sits within the land use zone.
55. Future uses and development will be subject to planning permission and issues of local amenity, traffic and will be considerations in any decision making.
56. Submission 18 is specific in seeking constraint on the use of the homestead for commercial uses.
57. Use of the land is subject to a planning permit application under the provisions of the General Residential Zone 1. As the inclusion of the site in the Heritage Overlay does not allow for prohibited uses to be considered, the future use of the site will need to be considered solely under the zone provisions. A reception/function centre is classified under the term Place of Assembly, is a permit required use and subject to planning application and consideration. It is beyond the scope of this amendment to consider.
58. The heritage listing of the site will have some influence on any changes to the homestead and future subdivision and development of the site but is not a tool to be used to quarantine against any development or changes.
59. One of the purposes of the General Residential Zone 1 is to encourage development that respects the neighbourhood character of the area. Another is to encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport. The decision guidelines of the Zone require that the purpose of the Zone is considered and more specifically, for subdivision, to

consider as appropriate the pattern of subdivision and its effect on the spacing of buildings. Clauses 54 and 55 of the Scheme also provide the objectives, standard and decision guidelines for single and multiple dwellings. We submit that these provisions will be key considerations in assessing any future development of the site.

60. The Heritage Assessment recommended that the western area of the site was capable of two-storey development without compromising the heritage significance of the homestead. This has been translated into the Design Guidelines. The surrounding residential area has a mix of single and double storey dwellings and barring any negative impact on the heritage significance of the Homestead, the site is capable of accommodating two storey dwellings on some parts of the site that will mix in with development of the surrounding area.

61. We submit that it is important not to use the heritage controls to protect non-heritage values. The purposes of the heritage overlay at clause 43.01 of the Planning Scheme are very specific:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To conserve and enhance heritage places of natural or cultural significance.*
- *To conserve and enhance those elements which contribute to the significance of heritage places.*
- *To ensure that development does not adversely affect the significance of heritage places.*
- *To conserve specified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place*

62. The Incorporated Document Design Guidelines give direction for ensuring that development does not adversely affect the significance of heritage places and to conserve and enhance those elements of Claremont Homestead that contribute to its significance. We submit that matters beyond this are appropriately controlled by the other planning scheme tools, namely the Zone provisions and clauses 54 and 55 as outlined in paragraph 87.

63. We reiterate that the principle consideration in applying the heritage overlay is whether the place reaches the threshold for local heritage significance and questions of the potential of the land for other uses and development and their effects are rightly considered at a later planning process.

64. A possible response could be to curtail the application of the Heritage Overlay to just the Homestead building and a curtilage rather than the whole title. Council does not support this at this time as implementing such an approach is not supported by the Statement of Significance, and it also removes the possibility of ensuring that surrounding development is sensitive to the heritage values of the Homestead.
65. Submission 5 is concerned about the balance of the land around the homestead and whether it will be retained as green space or developed. The balance of the site will not be retained as green space – it is anticipated that there may be some additional development on the site in accordance with the Design Guidelines. This will be subject to a future planning permit application(s) and in accordance with the provisions of the General Residential 1 Zone.

Future access and traffic impacts

What is the issue?

66. Many submissions have expressed concerns that new development at the site will increase the volume of traffic in the area and negatively impact on the amenity of the local streets. Submitters argue that more intense development, including two storey development, will impact on road safety for vehicles and pedestrians, especially children, moving throughout the area to access Baum Park, and increase on-street parking use. Some submissions are opposed to any changes on the site as they seek to retain the status quo of this quiet residential area.
67. Some submitters are opposed to any changes to the truncation of the four roads leading into the site whilst others have sought the connections to be opened, either for vehicles or pedestrians, to allow for easier access to Baum Park.

Council response

68. The land is privately owned, and we have no plans to acquire any of the site for the creation of a shared path through the site. Any current access to the site has not been with the consent of the current landowner who has taken measures such as signage, locking of gates and fencing to prevent and discourage this activity. Access through the site to Baum Park from any of the surrounding roads of Chardonnay Court, Kinsmead Street and Delgany Mews is currently not planned for but may be a consideration of a future subdivision proposal for the site and planning permit process.

69. The use of the Heritage Overlay for achieving other aims such as regulating the order and proper planning of the area and limiting traffic movement is beyond the purpose and scope of the Heritage Overlay but rather rightly sits within the land use zone. We acknowledge that the heritage listing of the site will have some influence on any changes to the homestead and future subdivision and development of the site, but it is not a tool to be used to quarantine against any development or changes.
70. The amendment does not change the no through road status of the site or increase traffic circulating throughout the area. Future planning decisions will address this issue if a development proposal arises.
71. The permanent heritage listing of the site does not itself create the traffic concerns being raised in the submissions. The primary function of this amendment is to include the land in the heritage overlay on a permanent basis. This is supplemented by an incorporated document to give guidance for future development of this site to ensure that the most important areas of significance are protected and any new development of this large site within the middle of a residential area is respectful of this significance. Except for the need to retain the Homestead with the front garden and the Norfolk Island Pine, the Heritage Assessment did not identify any subdivision controls that needed to be included in the Guidelines. Subdivision guidelines are not included as that is a matter for the zone to regulate.
72. We submit that it is premature to speculate about what future development plans may arise, but it is clear within the zone objectives and decision guidelines that matters of local amenity are a priority for consideration as part of the planning permit process. The merits of cross-block links will need to be considered as part of any subdivision proposal.
73. The land surrounding the homestead is private land and being used by the landowner for private purposes. Council has no interest in purchasing and developing the land. A road reserve and Baum Park adjoin the site to the south. There is similarly no intention to develop this open space or close the road.

Changes to the Design Guidelines Incorporated Document

What is the issue?

74. Many of the supporting submissions such as submissions 12, 13, 19, 22, 25, 28, and 29 seek changes to the proposed Design Guidelines Incorporated Document to further protect the heritage values of the site and avoid deletion of existing heritage fabric. Changes sought include restricting additional development on the site to single storey, retention of the substantial rear outbuilding, re-instatement of the

former orchard and underground well, changes to the solar panel location, requiring permits for the construction of driveways and car parks, no external alterations to rooflines, and an increase appropriate buffer to better protect the spatial setting of the house and outbuildings.

Council response

75. We submit that the role of the proposed incorporated document – the Design Guidelines is to clarify the types and scale of development that can occur without the need for a planning permit. It is not intended to be a catch all for all future development matters related to the site.
76. The primary issue to address about the Design Guidelines is the matter of what constitutes an appropriate curtilage area around Claremont Homestead. We have identified that this is dependent on two key factors.
77. Firstly, the significance of the setting in which the homestead sits, including the presence of any significant outbuildings and hard or soft landscaping features, plus any significant views to or from the homestead.
78. The landscape context has changed irrevocably: The homestead, which once sat as a modest landscape feature within a vast area of orchards and vineyards now sits on an oversized residential lot within a 20-year-old suburban estate.
79. The immediate landscape environs are of limited significance: The two outbuildings are in a derelict and structurally unsafe state, necessitating demolition or major rebuilding. The only surviving landscape features of any significance are the Norfolk Island Pine and the filled-in well/cistern on the western veranda - both to be retained. There are a few remnant garden plants adjoining the north veranda which suggest the former presence of an ornamental garden in this area but are otherwise of no importance.
80. No significant historical views to or from the site are recorded. The view of the homestead's main/north façade is not important historically but has come to possess some value since the surrounding residential subdivision was completed as the key public vista of the homestead from the public.
81. We submit that the proposed curtilage/protected area should protect those parts of the property that are of significance. Aside from the physical and visual relationship between the homestead and the only substantial landscape feature of significance - the Norfolk Island Pine – that justifies the area between these two features within a

protected curtilage, along with the vista from Kinsmead Street to the homestead frontage – which closely aligns with the Homestead to Pine area, there is little if any landscape significance within the property requiring protection and no obvious historical demarcation lines that might form an appropriate curtilage boundary.

82. Secondly, Claremont homestead and setting needs to provide a sustainable and workable fit into its future landscape context.
83. Currently, the surrounding area is used and zoned for private residential, with lot sizes of around 500 to 1000m² size and development up to two storeys (by modern residential heights). The future use of the homestead is expected to be as a private dwelling, consistent with the existing use and land zoning of the surrounding neighbourhood.
84. The proposed curtilage/protected area seeks to achieve a balance between appropriate conservation of setting and sustainable and equitable use. We submit that a larger homestead lot size would not provide any appreciable heritage benefit but may unduly hinder the use or economic development of those parts of the property that are of nil or little heritage significance.
85. Given the movement of people across the broader site, particular travelling between Baum Park and adjoining streets, and other experience with homesteads being retained on oversize blocks within suburban contexts, there is every reason to believe retention of the homestead on a large block of >1500m² will also encourage ongoing illegal access, whilst a smaller block will stand a better chance of providing security and privacy for future owners of Claremont.
86. The second key issue submitted by many submitters about the Design Guidelines is the allowance for two storey development on some parts of the site. We submit that the homestead has high ceilings with a steep hip roof; providing an overall height equivalent to a modern two-storey residential dwelling. Considering this, and the existence of two storey dwellings on adjoining properties already, we consider it is appropriate to allow two storey development on the site as this is consistent with the scale of development across the area.
87. Whilst the Design Guidelines provide guidance on building heights for any new development on site, it remains that the General Residential Zone 1 includes requirements for dwellings focusing on the Clause 54 and 55 requirements for matters such as site coverage, setbacks, fence heights, private open space and permeability. We submit that no further additions to the Design Guidelines are required as the Heritage Overlay itself also includes decision guidelines that require

the responsible authority to consider whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place or and whether these are in keeping with the character and appearance of adjacent buildings and the heritage place.

88. Finally, we state that a walkway between Kinsmead Street (or any of the other adjoining roads) and Baum Park is not a heritage necessity of the heritage overlay or the Design Guidelines. Rather, we submit that this would be a matter for consideration as part of any subdivision of the site.

89. These are our general responses to the Guidelines. Some specific points made in submissions 12, 13, 19, 22, 25, 28 & 29 demand a Council response.

90. Submission 12 seeks some changes to the Incorporated Plan to:

- limit extent of external alterations to the homestead so that the 1857 design is not compromised,
- Buildings should be designed to be in keeping with the homestead and not to obstruct the external view of the north and west side of the property,
- reconsider allowance to demolish or alter structures of nil significance or the large shed,
- solar panel allowance should be only on the large shed roof to avoid damage to the homestead's slate roof,
- addition of a clause to re-install an elevated circular iron water tank, and
- the City to investigate the existence of a well on the west side of the homestead and if in situ, to be reinstated

91. In response we submit that the Design Guidelines seek to conserve the northern half of the homestead and key northern and eastern facades. The southern part being of lesser significance, in poorer structural condition, and containing unserviceable kitchen and wet areas that will need to be upgraded for residential use, results in a more flexible approach to alterations and additions being recommended for the southern part and the results of which should be barely if at all visible in the significant views of the homestead.

92. The northern and eastern facades are deemed to be the most architecturally significant and are to be conserved with adjacent space to preserve their view setting. There is no heritage benefit in protecting a larger area than ~1000-1500m² of the setting/curtilage of the homestead and Norfolk Pine.

93. The large shed is of lesser significance than the homestead and is in an extremely poor and unsafe condition. It is unreasonable to mandate its retention given the amount of work and new building material that would be required to repair it, however

if the owner has capacity to stabilise and reuse the shed that is not prevented by the guidelines and shall be encouraged.

94. Solar panels will require a planning permit where they are visible from a street, lane or public park. This process will assess their impact on the heritage significance and appearance of the homestead. According to the Structural Engineering Assessment, the slate roof is substantially damaged already and will need to be replaced. This reduces the submission that solar panels will damage the slate roof. The Design Guidelines at clause 2.4 outlines where solar panels can be installed without planning permission. This does not include the large shed as that can be demolished due to its deteriorated condition.
95. Heritage overlays cannot demand reinstatement of features that ceased to exist prior to the overlay's creation, e.g. the elevated circular iron water tank. The guidelines do not prevent the owner from opting to build a replica or similar water tank in keeping with the historical character and use of the homestead.
96. A well exists on the western side of the homestead and the form of it should be retained if practicable, however it has been substantially filled in for safety reasons. To reinstate it to hold water will likely require major works and modifications including protective measures such as required for swimming pools. Whilst the guidelines do not prevent this, safety must be the priority, and it is proposed the well remain filled in and just its footprint be retained in the interim.
97. Submission 19 seeks the following changes to the proposed Design Guidelines Incorporated Plan:
- 3.1 – change to remove the hipped roof form to restore integrity of the dwelling,
 - 3.4 – should provide more space surrounding the dwelling and provide for more spaces for viewing the dwelling from the western and southern sides,
 - 3.5 – concern about the allowance for inclusion of an attic room which was not part of the original Homestead design,
 - 3.6 – concerns about allowance for removal of sections of the hipped roof three and the hipped roof to the south and part of the western veranda. Restoring the integrity of the building is important, and
 - All new buildings on the site should be single storey only and their design complementary to the Homestead and other dwellings in the surrounding area.
98. In response we submit that for items 3.1 & 3.4 and 3.6 the Guidelines seek to conserve the prominent twin hipped form over the northern half of the homestead and key northern and eastern facades and responded to earlier in this submission.
99. In response to item about 3.5, we submit that attic rooms are recognised as an appropriate way to increase floor area without changing the historical form of

buildings. These are only recommended in the southern part of the building and not the significant north and east elevations.

100. The homestead has high ceilings with a steep hip roof; providing an overall height equivalent to a modern two-storey residential dwelling. Considering this, and the existence of two storey dwellings on adjoining properties already, it is appropriate to allow two storey development on the site.

101. Submission 22 made the following comments on the proposed Design Guidelines Incorporated Plan:

- Permits need to be required for the construction of driveways and car parks (2.1),
- 3.5 external alterations to the rooflines should not be allowed
- 3.6 subdivision and redevelopment should not be allowed until an appropriate buffer is determined,
- Reducing the extent of the heritage overlay to an area marked in red on the guidelines will not protect the spatial setting of the house and outbuildings and heritage values of the property,
- The outbuilding is of primary significance and needs to be retained and treated in the same way as the Homestead and Norfolk Island Pine. It should be within the red zone and not the yellow zone,
- The apple orchard was removed in August 2020. An area to the west of the Homestead should be retained in the overlay and required to be re-planted with an apple species appropriate to the time the orchard was planted,
- An appropriate buffer needs to be determined and any subdivided land must be in blocks no smaller than the surrounding neighbourhood and buildings restricted to single storey, and
- Further public access to Baum Park, which was gifted to the public, should be created where possible.

102. In response, we say:

103. For the comment about 2.1 – permits for driveways etc are not exempt in the red zone (the area of highest significance) but are exempted elsewhere on site.

104. For the submission about 3.5 - The Guidelines seek to conserve the prominent twin hipped form over the northern half of the homestead and key northern and eastern facades and responded to earlier in this submission.

105. In response to 3.6 the appropriate curtilage or buffer setting for Claremont Homestead is discussed earlier in this submission section. We restate that there is no heritage benefit in preserving a larger area than ~1000-1500m² around the homestead; the farm setting that was once around the homestead has long gone and the future of the homestead is as an integrated part of a residential area.

106. We also submit that the large shed is of lesser significance than the homestead and is in an extremely poor and unsafe condition. It is unreasonable to mandate its

retention given the amount of work and new building material that would be required to repair it, however if the owner has capacity to stabilise and reuse the shed that is not prevented by the guidelines and shall be encouraged.

107. In response to the submission about the reinstatement of the orchard, we submit that whilst it existed the orchard contributed to the significance of the place, and the advice of the owners is that it contained many more fruit varieties than apples. Submissions 34 and 36 advise that the orchard trees were in an extremely poor health at the time they were removed.
108. We submit that heritage overlays cannot demand reinstatement of features that ceased to exist prior to the overlay's creation, e.g. the orchard, and even if the orchard had survived in a healthy state it would not necessarily have been of such significance as to demand its ongoing retention. The Guidelines do not prevent the owners from planting similar fruit trees around the homestead.
109. In response to the issue of public access to the site, we submit that the creation of further public access to the site or to Baum Park is beyond the scope of this amendment.
110. Submission 28 seeks the inclusion of the following into the Design Guidelines:
- Provision for pedestrian access to Baum Park from Delgany Mews, Kinsmead Street and Chardonnay Court.
 - Limit any subdivided blocks to be in keeping with the surrounding properties – no smaller than 700m² on the north and west sides and no smaller than 450m² on the east and west sides of the property.
 - Any additional subdivisions land at the south end of the property be limited to single storey dwellings to enable to the Homestead to be viewed from Baum Park (should pedestrian access be provided).
 - The homestead, gardens, tree and rear shed be situated on enough land to maintain its aesthetic significance.
 - Any demolition of the rear shed be supported by a qualified structural engineers report.
111. In response, Council submits that the Design Guidelines are intended to address the future development parameters for new development to ensure that it does not negatively impact on the heritage significance of the site. It is not a catch-all document about all future development needs of the site. Subdivision and traffic management will be considered by a future planning permit process. Changes to the Design Guidelines to include additional requirements on subdivision size and accessibility are not supported.
112. The Design Guidelines support up to two storey development on land to the south and west of the Homestead in line with the recommendations of the Heritage

Assessment. Maintenance of views to the homestead from Baum Park were not identified in the Assessment as being critical to the retention of the heritage values of the site.

113. The aesthetic significance of the homestead and its surrounding gardens and tree is recognised in the red zone included in the Design Guidelines. This has been selected to ensure these valuable elements are retained together and is considered enough space for this purpose.

114. The rear shed is in a very bad state and can be demolished. We submit that a separate structural engineering assessment is not required to verify this.

Consultation

What is the issue?

115. Submissions 34, 35 and 36 (from the affected landowners) expressed dissatisfaction with the consultation process with the landowners at the time of the completion of the heritage assessment review. They are also disappointed that there was no notification about the interim protection order finding out through local print media articles. The notice about the permanent overlay was not received by the landowners although the notice addressed to the occupier of 12-16 Kinsmead Street was, yet rates notices are correctly mailed to the owners.

Council response

116. Notice of the amendment was given in accordance with the requirements of the Planning and Environment Act 1987. Notices were sent to landowners and occupiers of adjoining and nearby land using the landownership database. It is unfortunate that the mail was not delivered to the landowner's address and Council did not receive any returned mail. We acknowledge that the landowner was inconvenienced by not receiving the letter but has not been disadvantaged with the extended timeframe given for making a submission by two weeks.

117. We could have improved the consultation with the affected landowner at the conclusion of the preparation of the heritage assessment and statement of significance and prior to the implementation of the interim and permanent amendments. More engagement early in the process would have added more knowledge about the structural integrity of the homestead rather than later in this permanent heritage overlay amendment process. In the haste to deal with the interim overlay this step was overlooked.

Financial impact of the heritage overlay

What is the issue?

118. One of the points of objection to the heritage overlay is the financial cost and impact of the restriction on the landowner. Submission 35 submits that the interim heritage overlay has affected the land value by approximately \$500,000 based on real estate estimates and prospective purchaser offers. The submission further estimates that rebuild costs and compliance with the heritage overlay would be hundreds of thousands of dollars. The remaining land around the homestead would be largely unusable for subdivision due to access and size restrictions causing a further financial impact. The Baum family owners/inheritors should not be expected to bear the financial cost and personal cost of a place of little or no heritage value to the Geelong community

Council response

119. The financial cost of a heritage overlay is a theme often included in submissions opposing inclusion in a heritage overlay. We submit that we can't quantify or verify the impact outlined in the submission.

120. 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, by the heritage overlay, provides the mechanism and tool to do this.

121. We note that Planning Panels have addressed this matter on many occasions. Relevant to a Geelong context, the Panel consideration of Greater Geelong C71 (2004) reported:

“The Panel acknowledged the economic implications of Heritage Overlay listing for property owners but held that these must be offset against the benefit to the community from retention of places of heritage significance and their ongoing contribution to the character of the area and the community’s understanding of and identification with its past. It recognised the requirements in the Act and the SPPF to protect places of heritage significance and noted that social and economic impacts, as well as heritage values, would be considered in making decisions on future development of properties.”

122. The Greater Geelong C190 (2011) Panel commented on the issue of economic impacts of a heritage overlay:

“Panels have repeatedly ruled that such issues are not material to this stage of the planning process – a position supported by Practice Notes and numerous VCAT decisions. This view maintains that although it is appropriate for the responsible authority to consider all the objectives of the Planning and Environment Act 1987- including, inter alia, fair, orderly, economic and sustainable use, and development of the land (s.4(1)(a)) ... and ... to balance the present and future interests of all Victorians (s.4(1)(g)) – the question of personal economic impact or potential constraint on development are matters for the next stage of the planning process i.e. at the time a permit is applied for. This approach has the merit of separating two distinct issues: assessment of the significance of the place, and the question of its conservation, adaptation, alteration or demolition. This conforms with proper heritage conservation practice and mirrors the processes of the Victorian Heritage Act 1985. It reflects the desirability of considering long term matters (if we accept that heritage significance is likely to be somewhat enduring, if not immutable) at one point in time; and, shorter term matters (personal desire, financial considerations and economic circumstances) when they are most relevant,”

123. In more recent reports, the Panel in Greater Bendigo C223 (2017) 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.”* We note that this general opinion is also reported in many other panel reports for heritage-based amendments to the Greater Geelong and other Planning Schemes.

124. While not dismissing the submitters concerns about the impact of heritage listing on the property value, we submit that the heritage assessment of 12-16 Kinsmead Street, Waurin Ponds was prepared to determine the cultural heritage significance of the place in line with obligations under the *Planning and Environment Act 1987*.

125. Council’s website provides the following information about heritage property valuations:

“Heritage Victoria (Heritage Listing & 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 following heritage listing to

those that indicated a negative impact. In summary, it found that 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.

126. The past subdivision and residential development of the broader Claremont farm is expected to have provided a reasonable economic return to the landowners.

127. We submit that the Design Guidelines have been prepared to protect the areas of significance on site and ensure that the whole site is not quarantined from future development; allowing further subdivision and development around the homestead and also provide for adaptation and upgrade of the homestead to provide for its ongoing sustainable use and conservation.

Retention of the Norfolk Island Pine Tree

What is the issue?

128. Submissions including 11, 12, 15, 20, 23, 27, 28, and 35 all address the retention of the Norfolk Island Pine Tree in the frontage of Claremont Homestead. Most submitters arguing that it is a local landmark and part of the history of the property. Submission 35 submits that the tree has no heritage value, is not indigenous to the area, it is large and old, and is not rare as many examples elsewhere.

Council Response

129. Council agrees that the Norfolk Island Pine is not indigenous to the area, but it is a landmark tree forming part of the heritage landscape of the site and makes a strong aesthetic contribution to the site and area. The Heritage Review of the site noted that the Norfolk Island Pine Tree has scientific significance as a remnant of an early rural homestead landscape in Greater Geelong and a local heritage landmark on the property and immediate residential area. For these reasons, the proposed Incorporated Document identifies that the tree is to be retained with the homestead. In this context, the tree control in the Heritage Overlay is activated and justified.

130. During Council’s on-site inspection in May, the landowners pointed out scar on the tree caused by a lightning strike in the 1950s. We submit that it is important to be clear that that whilst the heritage overlay will trigger the need for a planning permit to remove the tree it doesn’t mean the tree can’t be removed or lopped if it is demonstrated in the future that that the tree poses an immediate risk or fails in some way. We note that we have not undertaken an arborist assessment of the tree. The Heritage Overlay at Clause 43.01-1 states that a planning permit is required to:

“Remove, destroy or lop a tree if the schedule to this overlay identifies the heritage place as one where tree controls apply. This does not apply:

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

131. We note the evidence of Dr Walker that Norfolk Pine Island Pine trees can live up to 400 years in their native habitat and similar elsewhere and that they are generally stable trees.

132. We also note that Mr King is no longer tending expert arboriculture evidence on the health of the tree and that it is not being contested by his client.

Listing by Heritage Victoria

What is the issue?

133. Submitter 20 has sought the listing of Claremont on Heritage Victoria’s register.

Council Response

134. The site has been determined to be of local significance. Inclusion of the site in the heritage overlay within the Planning Scheme is the appropriate place for recognition of this place of local significance. Heritage Victoria only includes places of state significance on its Register. The Heritage Council Registrations and Permits Review Committee formed the view in May 2020 that the case for inclusion on the Heritage Victoria Register as a place of state significance or for an interim protection order was not sustained. The site was included in the heritage overlay on an interim basis by the Minister for Planning to give time for the City to consider and prepare a permanent heritage overlay.

Implementation of Outer Areas Heritage Study and references in Local Policy

What is the issue?

135. Submission 22 has submitted that the interim heritage overlay should not have been necessary as the Claremont homestead was identified as being of Regional Significance in the Outer Areas Heritage Study Stage 2 1998-2000. The submission further argues that the heritage is at risk and action is only taken under threat of demolition. The submission states that it is vital that the recommendations for the suburbs of Kardinia Ward are now urgently reviewed, particularly in Marshall where significant development is occurring.
136. Submission 22 also seeks the inclusion of the complete Outer areas Heritage Study Stage 2 as a reference document in clause 22.09.

Council Response

137. We note that urgent additional heritage listings required for the suburbs of Kardinia Ward, such as Marshall where significant development is occurring. We have prioritised our heritage amendments and it is beyond the scope of this amendment to address.
138. Past Council decisions on implementing in its entirety the Outer Areas Heritage Study are not a matter that can be resolved by this amendment.
139. Council submits that the inclusion of the complete City of Greater Geelong Outer Areas Heritage Study Stage 2 as a reference document in the Planning Scheme will be a feature of a future amendment when the balance of the Study is implemented either directly or through updated heritage studies for the areas involved. The reference is not needed as part of this amendment as the most relevant and recent heritage assessment of the Claremont Homestead is being included as the appropriate reference document.
140. The inclusion of the complete Stage 2 is not opposed per se, however, the inclusion of reference documents in the Planning Scheme need to be justified for decision making. With the balance of the area not yet included in the heritage overlay, there is no direct or explicit need for Stage 2 documents to be referenced.

PEER REVIEW OF STRUCTURAL ASSESSMENT

141. As outlined in the chronology of events in our Part A submission, Council commissioned a peer review of the Block 1 Structural Assessment.
142. In commissioning this peer review, Council was not necessarily seeking to challenge the Block 1 report. However as the creation of the heritage overlay would be subject of a planning panel review, and a permit application could be made to demolish the homestead, we sought a second opinion as to the overall structural condition of the homestead and the amount of demolition and/or fabric replacement that will likely be required if the property were to be retained and adapted for ongoing residential use. In other words, we were seeking to demonstrate that we had exercised due diligence in considering the condition of the homestead.
143. Our circulation of material on 31 August included the engagement brief with the objective to advise Council on the scope of structural problems of Claremont homestead, and provide opinion on whether these might compromise the heritage overlay through the potential necessary demolition and/or reconstruction of the building.
144. OPS Engineering submitted its report to Council on Friday 8 October 2021. We circulated this report to the Panel and hearing parties on Monday 11 October.
145. This report by OPS engineers provides greater clarity and certainty about the condition of the homestead and the likely works required in repairing it to a usable state. Their appraisal of the required works involves considerably less demolition and rebuilding work than the recommendations of the Block 1 engineering report.
146. We submit that OPS Engineers have greater familiarity with heritage buildings of this type than Block 1. We submit that if the Panel is to consider whether the current condition of the homestead is a factor in whether the heritage overlay should be approved, then we recommend the OPS Engineering report be given primacy over the Block 1 report.
147. We understand that the current owners have had difficulty scoping the repair work and finding repairers, and hope that the current owners may also draw some benefit from this report.

RESPONSE TO EVIDENCE TABLED

Ms Nicole Lock

148. Kings Lawyers on behalf of Ms Nicole Lock is a party to the Hearing.
149. Kings Lawyers has called expert evidence on Heritage by Robyn Riddett of Anthemion Consultancies.
150. This section of our submission responds to the evidence.
151. We support the general standing of Ms Riddett as a heritage consultant capable of assessing the heritage significance or otherwise of Claremont Homestead, noting her professional focus is toward history and interpretation rather than architectural and structural fabric analysis.
152. Ms Riddett had not sighted the structural engineering assessment prepared by OPS engineers at the time of preparing her evidence.
153. In respect of Ms Riddetts' summary of opinions and recommendations we make the following comment.
- At point 11 p3, Ms Riddett supports the heritage overlay but not the inclusion of the whole lot in the overlay. Our response is that the proposed Design Guidelines make reference to a smaller curtilage and Council would support a smaller heritage overlay in the longer term – be it as per the Design Guidelines or the Rodney Martin & Associates survey plan and discussion of Ms Riddett at point 17, pp10-11.
154. At point 12 p3, Ms Riddett indicates general support for the Statement of Significance, but recommends elements having no significance should be identified in a revised Statement and Clause 43.01. Our response is that typically a Statement of Significance identifies what is of significance and why, it is not conventional for it to list what is not significant. For the sake of providing clarity and certainty for all stakeholders Council believes that between the Statement of Significance and the Design Guidelines the 'elements of significance' and 'elements of no significance' need to be defined as such.
155. Council has some preference for the 'elements of no significance' being defined in the Design Guidelines, which it feels more accords more with conservation management convention and keeps the Statement of Significance more succinct, but is open to negotiation on this matter including the list of 'elements of no significance' provided at point 16 p8, as it considers the intent of Ms Riddett and Council being the same on this matter.

At point 13 p3, Ms Riddett indicates general in agreement with the design guidelines other than for 3.2 and 3.5. We respond that Ms Riddett's recommended changes to Cl3.1, 3.2 & 3.5 of the Design Guidelines would adopt a more conservative approach to preserving the existing form of Claremont Homestead.

156. Council would be willing to accept Ms Riddett's recommendations about changes to 3.2 (retention of retaining and conserving the rear kitchen wing) and 3.5 (retaining and conserving the third hipped roof form and the original elements of the kitchen), particularly if they are acceptable to the new owner, her client.
157. As a matter of context, the existing Design Guidelines were formulated by Council in response to the Heritage Assessment, which commented that the condition was 'fair', and its context within a subdivided and residentially developed urban setting.
158. Hence the Design Guidelines reflected the likelihood for, and heritage impact arising from, substantial rebuilding work and replacement of original fabric. They also considered what would be necessary to secure a sustainable future use for the building, i.e. contemporary residential living requirements, the absence of a single toilet within the building, and the inevitable need for the provision of new kitchen, bathroom and laundry facilities – the heritage impacts from which can generally be reduced if they are incorporated within new construction rather than retro-fitted.
159. We submit that it is important to recognise the heritage overlay and design guidelines are not solely for the purpose of delivering the ideal heritage conservation outcome but seek to achieve a balance between conservation and the delivery of a sustainable use that will guarantee long term survival of Claremont Homestead as part of Waurn Ponds' post contact heritage.
160. The second structural engineering assessment by OPS engineers, still identifies substantial problems with the building but expresses the opinion the amount of rebuilding work and fabric replacement is considerably lesser than that required in the first report. This may assist in pursuing a more conservative approach however Council would wish to work closely with the new owner in ensuring a sustainable use can also be achieved.

National Trust of Australia (Victoria), Geelong and Region Branch

161. The National Trust of Australia (Victoria), Geelong and Region Branch is a party to the Hearing.

162. Mrs Bantow of the National Trust has called expert evidence on biophilic design and landscape setting by Dr Mary-Jane Walker.

163. This section of our submission responds to the evidence.

164. The example of 'Chesterfield' by Dr Walker doesn't give an address for easy research and context assessment.

165. Dr Walker's heritage background is primarily experiential rather than technical – Dr Walker has restored a substantial historic home and garden, and through research, trial and perseverance – possibly informed by a background in biology - has saved three mature Norfolk Pines on same property and shared that experience with Council in managing its Norfolk Pines elsewhere.

166. In the evidence, Dr Walker does not dispute the creation of the heritage overlay nor does the evidence appear to dispute the inclusion of the homestead and Norfolk Pine as the primary elements of significance.

167. In the evidence, Dr Walker appears to dispute the size of the proposed curtilage and/or heritage overlay, seeking a larger area, however:

- there appears to be some misunderstanding about what the proposed area of the overlay is, i.e. the entire lot is proposed whilst Dr Walker has commented on the 'area of primary significance' in the Design Guidelines;
- without the evidence indicating what might be an appropriate amount of additional space around the homestead to retain, it is hard to say whether Dr Walkers rationale is acceptable;
- the basis for the greater curtilage sought by Dr Walker appears to be derived from the perceived requirements for biophilic design more so than the heritage value of the place itself – whilst this may deliver a better design outcome, we question should (sub)urban design requirements drive the size of heritage overlays?
- Finally, the question arises - if the entire lot remains on the heritage overlay, would that provide for the holistic landscape design approach Dr Walker is seeking?

FINAL POSITION ON THE AMENDMENT

168. As outlined in response to the evidence of Ms Riddett, Council would be willing to accept Ms Riddett's recommendations about changes to items 3.2 (retention of retaining and conserving the rear kitchen wing) and 3.5 (retaining and conserving the third hipped roof form and the original elements of the kitchen) of the proposed Design Guidelines, particularly if they are acceptable to the new owner.
169. Council would support an addition to the Design Guidelines to list what is significant and what is not significant on site. We do not support including this in the schedule to the heritage overlay.
170. Council would likely support a reduction to the extent of the heritage overlay in the future when any additional subdivision and development on the site is completed.
171. In stating this we note that this amendment is not seeking to amend the extent of the heritage overlay as it is already a feature of the Greater Geelong Planning Scheme. The primary purpose of the amendment is to remove the interim status of the heritage overlay.
172. We submit that basing the extent of the heritage overlay on a proposed plan of subdivision, as recommended in the evidence of Ms Riddett, that hasn't yet been considered by Council for a planning permit is a premature step to take for the application of a planning control.
173. Council has reduced the extent of the heritage overlays on other large residential sites after subdivision and development has occurred in places such as HO151 at 26-32 Glengate Street, Hamlyn Heights (Amendment C337).

CONCLUSION

174. We continue to support the application of the heritage overlay on a permanent basis across the whole site. It implements policy and applies planning controls to protect a place of local heritage significance and ensure any new development at the subject site respects the heritage values and significance of the Claremont Homestead.
175. We believe the amendment is of benefit to the local and wider Geelong community and respectfully seek the Panel's support.
176. This completes the Part B submission of Council.

APPENDICES

APPENDIX 1

Extract of Attachment 4 from Council Report of 27 July 2021

Summary of submissions and City response

No.	Type	Summary of Submission	Theme / Response
1	S	<ul style="list-style-type: none"> Supports the amendment as a significant piece of post-contact history of the area. Balance of the homestead land parcel could become a community park. Fence and gateway at west end of Chardonnay Court to be removed and permanent pedestrian access to be allowed across the site for permeability of the area. Late owner wanted land to be available to the area. 	<p>Support for permanent heritage overlay noted.</p> <p>The site is privately owned land and the City has no plans to acquire any of it for public open space purposes. Baum Park to the south of the subject site was gifted to the City by the landowner as part of previous land subdivisions. No provision of further land to the City was made as part of the Estate of the late Mr Baum.</p> <p>Refer to theme <i>Future access and traffic impacts</i>.</p>
2	S	Same as submission 3.	Refer to submission 3 response.
3	S	<ul style="list-style-type: none"> Supports keeping the heritage listing and retaining the 1850's dwelling as a memory in Waurm Ponds and as a feature when viewed from Baum Park. Opposes building additional dwellings on the land as this would affect the local area and community. Supports retention of the Norfolk Island Pine tree as a feature and home for animals. Additional dwellings and people on the site would impact on the safe and quiet court, cause traffic problems and impact on the open space. 	<p>Support for permanent heritage overlay noted.</p> <p>The Norfolk Island Pine tree is included in the heritage overlay listing and to be retained.</p> <p>Refer to theme <i>Future development and use of the site</i>.</p> <p>Refer to theme <i>Design Guidelines Incorporated Document</i>.</p>
4	S	<ul style="list-style-type: none"> Supports the permanent heritage overlay. Property and its surrounds, including the Norfolk Island Pine should be preserved at all costs. Any development of the site will be detrimental to the quiet street and parkland and impact on the lifestyle. 	<p>Support for permanent heritage overlay noted.</p> <p>Refer to theme <i>Future development and use of the site</i>.</p> <p>Refer to theme <i>Future access and traffic impacts</i>.</p>

No.	Type	Summary of Submission	Theme / Response
		<ul style="list-style-type: none"> Multi-level development will increase traffic to the narrow streets compromising safe access, decrease green space, impact on property values and cause overlooking and loss of privacy. Supports retaining the 'No Through Road' status of The Vineyard. Supports retaining some of the property's green space and natural beauty. 	<p>Refer to theme <i>Design Guidelines Incorporated Document</i>.</p> <p>The Design Guidelines provide for the spatial setting of the homestead and Norfolk Island Pine when viewed from Kinsmead Street to be retained free of buildings, walls and solid fences.</p>
5	S	<ul style="list-style-type: none"> Supports permanent heritage overlay. Concerned about current state of the house as it is a security risk for break ins, building safety from the 2020 tornado, storage of rubble on site, car parking for the park and walking track and large trucks entering. Border between the playground (Baum Park) and site needs to be clearly identified for public safety. Concerned about the balance of the land around the homestead and whether it will be retained as green space or developed. 	<p>Support for permanent heritage overlay noted.</p> <p>The safety of the homestead has been raised as a concern to the City. The Municipal Building Surveyor has issued an emergency order to require the site to be fenced with protective site fencing to prevent access to the building.</p> <p>Refer to theme <i>Future development and use of the site</i>.</p> <p>Refer to theme <i>Design Guidelines Incorporated Document</i>.</p> <p>The balance of the site will not be retained as green space – it is anticipated that there may be some additional development on the site in accordance with the Design Guidelines. This will be subject to a future planning permit application(s) and in accordance with the provisions of the General Residential 1 Zone.</p> <p>The demarcation between the private property and Baum Park will be instated as part of any future development of the site, or through fencing by the current owner.</p>
6	S	<ul style="list-style-type: none"> Happy that the integrity of the homestead and tree is important. 2 storey proposal on the Vineyard side of the property would increase traffic. Purchase in the area as a no through road and a quiet residential area to avoid through traffic. Objects to high density housing in the street and any change to closed access to traffic. 	<p>Support for permanent heritage overlay noted.</p> <p>Refer to theme <i>Future development and use of the site</i>.</p> <p>Refer to theme <i>Future access and traffic impacts</i>.</p> <p>Refer to theme <i>Design Guidelines Incorporated Document</i>.</p>
7	S	<ul style="list-style-type: none"> Supports the heritage overlay. Opposed to any future development of Council land adjacent to the site. Two storey units will impact on increased traffic and diversions through Semillon Place to connect to The Vineyard. 	<p>Support for permanent heritage overlay noted.</p>

No.	Type	Summary of Submission	Theme / Response
		<ul style="list-style-type: none"> Site should be restricted to single storey development. 	<p>The amendment does not propose any future development of the adjoining Council land.</p> <p>Refer to theme <i>Future development and use of the site.</i></p> <p>Refer to theme <i>Design Guidelines Incorporated Document.</i></p>
8	S	<ul style="list-style-type: none"> Supports preserving the house and tree. Remaining space should be turned into a park to allow Kinsmead Street, Delgany Mews, Chardonnay Court and The Vineyard to remain quiet streets. Seeks a No Parking sign at the end of each of these streets as parking there restricts rubbish truck movements. 	<p>Support for permanent heritage overlay noted.</p> <p>The land is privately owned, and Council has no plans for acquire any of the site for the creation of public open space.</p> <p>The request for a 'No Parking' sign at the end of Kinsmead Street, Delgany Mews, Chardonnay Court and The Vineyard will be forwarded to the City's Waste Unit for consideration.</p> <p>Refer to theme <i>Design Guidelines Incorporated Document.</i></p>
9	S	<ul style="list-style-type: none"> Supports saving the historic property for future generations to enjoy. Supports retaining the existing link between the property and Baum Park. 	<p>Support for permanent heritage overlay noted.</p> <p>Baum Park is located to the south of the subject site. There is no formal fencing between them. This may change if any further development of the site is planned. The Vineyard road reserve forms half of the southern border of the subject land and this connection is not affected by the amendment.</p> <p>Refer to theme <i>Future access and traffic impacts.</i></p>
10	S	<ul style="list-style-type: none"> Supports the permanent heritage controls. 	<p>Support for permanent heritage overlay noted.</p>
11	S	<ul style="list-style-type: none"> Supports the permanent heritage listing as a link to the past Hopes the Norfolk Island Pine should be retained. Development on the site could distract from the Claremont Homestead. 	<p>Support for permanent heritage overlay noted.</p> <p>The Norfolk Island Pine tree is included in the heritage overlay listing.</p>

No.	Type	Summary of Submission	Theme / Response
		<ul style="list-style-type: none"> Two storey buildings on the southern side of the site could be extreme and mean high density. Possibility of student accommodation and 30-40 houses or units will increase traffic in narrow streets. Any internal through road would be a short cut to Ghazeeopore Road and affect quiet and safe neighbourhood. 	<p>Refer to theme <i>Design Guidelines Incorporated Document</i>.</p> <p>Double storey dwellings can be achieved on the site without compromising the heritage significance of the homestead and will complement the mix of development heights in the surrounding area.</p> <p>Refer to theme <i>Future development and use of the site</i>.</p> <p>Refer to theme <i>Future access and traffic impacts</i>.</p>
12	S	<ul style="list-style-type: none"> Supports permanent heritage overlay to protect the homestead for future generations. Supports protection of the historical Norfolk Island Pine tree and gardens from being heavily developed. Expects the Kinsmead Street, The Vineyard, Delgany Mews and Chardonnay Court to remain as no-through roads to protect neighbourhood character. Seeks some changes to the Incorporated Plan to: <ul style="list-style-type: none"> limit extent of external alterations to the homestead so that the 1857 design is not compromised, Buildings should be designed to be in keeping with the homestead and not to obstruct the external view of the north and west side of the property, reconsider allowance to demolish or alter structures of nil significance or the large shed, solar panel allowance should be only on the large shed roof to avoid damage to the homestead's slate roof, addition of a clause to re-install an elevated circular iron water tank, and the City to investigate the existence of a well on the west side of the homestead and if in situ, to be reinstated. 	<p>Support for permanent heritage overlay noted.</p> <p>The Norfolk Island Pine tree is included in the heritage overlay listing and to be retained. There are no further established gardens of significance on site to be protected.</p> <p>Refer to theme <i>Future access and traffic impacts</i>.</p> <p>Refer to theme <i>Future development and use of the site</i>.</p> <p>Refer to theme <i>Design Guidelines Incorporated Document</i>.</p> <p>The Design Guidelines seek to conserve the northern half of the homestead and key northern and eastern facades. The southern part being of lesser significance, in poorer structural condition, and containing unserviceable kitchen and wet areas that will need to be upgraded for residential use, results a more flexible approach to alterations and additions being recommended for the southern part and the results of which should be barely if at all visible in the significant views of the homestead.</p> <p>The northern and eastern facades are deemed to be the most architecturally significant and are to be conserved with adjacent space to preserve their view setting. There is no heritage benefit in protecting a larger area than ~1000-1500m² of the setting/curtilage of the homestead and Norfolk Pine.</p> <p>The large shed is of lesser significance than the homestead and is in an extremely poor and unsafe condition. It is unreasonable to mandate its retention given the amount of work and new building material that would be required to repair it, however if the owner has capacity to stabilise and reuse the shed that is not prevented by the guidelines and shall be encouraged.</p>

No.	Type	Summary of Submission	Theme / Response
			<p>Solar panels will require a planning permit where they are visible from a street, lane or public park. This process will assess their impact on the heritage significance and appearance of the homestead. According to the Structural Engineer Assessment, the slate roof is substantially damaged already and will need to be replaced. This reduces the submission that solar panels will damage the slate roof. The Design Guidelines at clause 2.4 outlines where solar panels can be installed without planning permission. This does not include the large shed as that can be demolished due to its deteriorated condition.</p> <p>Heritage overlays cannot demand reinstatement of features that ceased to exist prior to the overlay's creation, e.g. the elevated circular iron water tank. The guidelines do not prevent the owner from opting to build a replica or similar water tank in keeping with the historical character and use of the homestead.</p> <p>A well does exist on the west side of the homestead and the form of it should be retained if practicable, however it has been substantially filled in for safety reasons. To reinstate it to hold water will likely require major works and modifications including protective measures such as required for swimming pools. Whilst the guidelines do not prevent this, safety has to be the priority, and it is proposed the well remain filled in and just its footprint be retained in the interim.</p>
13	S	<ul style="list-style-type: none"> • Supports the heritage overlay. • Seeks demarcation between the Vineyard open space and the resident boundary. • Provide pedestrian access from Kinsmead Street through to the Vineyard to encourage connections and physical activity for children. • Not against removal of the large shed to create land or space for a home that faces onto Baum Park. • New development be consistent with established homes and residential blocks nearby. • Any changes to merging Kinsmead Street and Delgany Mews into one should consider minimising traffic flow and speed and avoid becoming a short cut for Monterey Drive and Ghazeeepore Road. 	<p>Support for permanent heritage overlay noted.</p> <p>Demarcation of the boundary can occur at anytime by the current or future landowners. It is most likely to happen as part of any future additional development at the site.</p> <p>The Design Guidelines allow for the removal of the large shed.</p> <p>Refer to theme <i>Future access and traffic impacts</i>.</p> <p>Refer to theme <i>Future development and use of the site</i>.</p> <p>Refer to theme <i>Design Guidelines Incorporated Document</i>.</p>

No.	Type	Summary of Submission	Theme / Response
14	S	<ul style="list-style-type: none"> Supports the amendment as it will protect the property of significance and Norfolk Island pine, protect from overdevelopment and potentially prevent construction of a through road on Kinsmead Street, Delgany Mews, Chardonnay Court and The Vineyard. Seeks to maintain the quiet and peaceful place for their family. 	<p>Support for permanent heritage overlay noted.</p> <p>Refer to theme <i>Future access and traffic impacts</i>.</p> <p>Refer to theme <i>Future development and use of the site</i>.</p>
15	S	<ul style="list-style-type: none"> Homestead and Norfolk Island Pine should be heritage listed. Removal of the Orchard was saddening. Memories of the former property owner are often shared with others. Opposes any other dwellings, either single or double storey being built on the land as will not benefit the community. Supports renovations to the existing homestead and someone making it their own. Submitter chose to live on a no-through road for less traffic. If additional dwellings built on the land, there will be an increase in local traffic posing a safety risk for residents of the area and park users. Owners received a large enough inheritance without squeezing on more homes and damaging the community. 	<p>Support for permanent heritage overlay noted. Norfolk Island Pine is included as significant.</p> <p>Refer to theme <i>Future access and traffic impacts</i>.</p> <p>Refer to theme <i>Future development and use of the site</i>.</p> <p>Removal of the orchard occurred before the interim heritage overlay was applied. The landowner has advised that the orchard was removed due to rotten plants.</p> <p>The homestead needs restoration and repairs and will require a significant investment to restore.</p> <p>Inheritance matters of the landowner are a private issue and have no bearing on the heritage significance or development possibilities of the site.</p>
16	S	<ul style="list-style-type: none"> Gives in principle support to the amendment document. House is badly in need of repair and the Norfolk Island pine is a major landmark for the area. Development on the southern end of the property could be tastefully managed. Only in favour of single storey dwellings on the old orchard area (western boundary of the land). Does not support vehicle access to the property by Delgany Mews as increasing traffic volumes from Armstrong Creek is already making access to Ghazeepore Road difficult, especially during peak times. 	<p>Support for permanent heritage overlay noted.</p> <p>Refer to theme <i>Future access and traffic impacts</i>.</p> <p>Refer to theme <i>Future development and use of the site</i>.</p> <p>Refer to theme <i>Design Guidelines Incorporated Document</i>.</p>
17	S	<ul style="list-style-type: none"> Strongly supports the amendment because of the historic significance of Claremont House and the Norfolk Island Pine Tree. 	<p>Support for permanent heritage overlay and Design Guidelines noted.</p>

No.	Type	Summary of Submission	Theme / Response
		<ul style="list-style-type: none"> Has enjoyed the presence of Claremont House when living in Kinsmead Street and the neighbourly interaction with the Baum's about the family history and early development of Waurn Ponds. Agrees with retention of Claremont Homestead as Waurn Ponds has few significant remnants of its history and development from the early 1800s. Considers Design Guidelines will protect the homestead and tree whilst providing reasonable future subdivision and housing development opportunities. 	<p>The Heritage Assessment and the Design Guidelines have balanced the identification of the heritage significance of the site with the fact that the homestead sits on a very large lot in the middle of an established residential area and could reasonably be expected to have some further development.</p>
18	S	<ul style="list-style-type: none"> Largely in support of the amendment, specifically retention of the Norfolk Island Pine, retaining enough open space around the dwelling and retaining the Victorian Georgian style and materials. Seeks consideration of the following: <ul style="list-style-type: none"> Retain family friendly area by preventing construction of a through road, Provide access to Baum Park from Kinsmead Street through the property, and Restrict the use of the historic dwelling for events such as weddings, functions that will impact the surrounding area with late night noise and alcohol consumption. 	<p>Support for permanent heritage overlay noted.</p> <p>Refer to theme <i>Future access and traffic impacts</i>.</p> <p>Refer to theme <i>Design Guidelines Incorporated Document</i>.</p> <p>Use of the land is subject to a planning permit application under the provisions of the General Residential Zone 1. As the inclusion of the site in the Heritage Overlay does not allow for prohibited uses to be considered, the future use of the site will need to be considered solely under the zone provisions. A reception/function centre is classified under the term Place of Assembly, is a permit required use and subject to planning application and consideration. It is beyond the scope of this amendment to consider.</p>
19	S	<ul style="list-style-type: none"> Supports the permanent heritage overlay for reasons outlined in the Statement of Significance. Retention of the Claremont Homestead will fulfill the wish of the late Mr Baum. Seeks changes to the Incorporated document: <ul style="list-style-type: none"> 3.1 – change to remove the hipped roof form to restore integrity of the dwelling, 3.4 – should provide more space surrounding the dwelling and provide for more spaces for viewing the dwelling from the western and southern sides, 3.5 – concern about the allowance for inclusion of an attic room which was not part of the original Homestead design, 3.6 – concerns about allowance for removal of sections of the hipped roof three and the hipped roof to the south and part of the western veranda. Restoring the integrity of the building is important, and 	<p>Support for permanent heritage overlay noted.</p> <p>Refer to theme <i>Future development and use of the site</i>.</p> <p>Refer to theme <i>Future access and traffic impacts</i>.</p> <p>Refer to theme <i>Design Guidelines Incorporated Document</i>.</p> <p>The City can't speculate on the wishes of the late Mr Baum, but the heritage significance of the site is being implemented by inclusion in the permanent heritage overlay.</p> <p>3.1 & 3.4 & 3.6: The Guidelines seek to conserve the prominent twin hipped form over the northern half of the homestead and key northern and eastern facades. The western and southern facades are of lesser architectural</p>

No.	Type	Summary of Submission	Theme / Response
		<ul style="list-style-type: none"> All new buildings on the site should be single storey only and their design complementary to the Homestead and other dwellings in the surrounding area. There should not be a through road connecting Kinsmead Street and Delgany Mews as shown on an early subdividers sketch as this would cause traffic problems in Kinsmead Street. Access to the southern part of the site from The Vineyard does not support the option of allowing higher density storey development on The Vineyard frontage. Retain connection between the Homestead property and the Baum Park as established by the late Mr Ken Baum and maintain site lines from the Park to the Homestead. Claremont Homestead's association with vine and fruit growing could be recognised by appropriate planting in section of Baum Park. 	<p>significance, whilst the southern part is in poorer structural condition, and containing unserviceable kitchen and wet areas that will need to be upgraded for residential use - this results in a more flexible approach to alterations and additions being recommended for the southern part and the results of which should be barely if at all visible in the significant views of the homestead.</p> <p>3.5: Attic rooms are recognised as an appropriate way to increase floor area without changing the historical form of buildings. These are only recommended in the southern part of the building and not the significant north and east elevations.</p> <p>The homestead has high ceilings with a steep hip roof; providing an overall height equivalent to a modern two-storey residential dwelling. Considering this, and the existence of two storey dwellings on adjoining properties already, it is appropriate to allow two storey development on the site.</p> <p>Sight lines between Baum Park and the homestead was not identified as a significant vista or visual relationship in the Heritage Assessment and subsequently has not been recommended for protection in the design guidelines.</p> <p>Whilst the suggestion for appropriate planting in a section of Baum Park as a means of recognising Claremont's Homestead is beyond the scope of the amendment, it will be referred to City's Parks and Gardens Unit for consideration in future park planning and maintenance.</p>
20	S	<ul style="list-style-type: none"> Support the permanent heritage controls. Submitter has a long background with the form City of South Barwon and City of Greater Geelong and approved previous subdivisions of the surrounding area in 1990 on the basis that the Claremont Homestead and immediate surrounding land was to be kept as a separate entity for part of it to be permanently preserved in some way. Previous owner expressed desire to preserve the Claremont house and Norfolk Island Pine permanently due to their rare historic value to Waurn Ponds. Claremont House is the only homestead in the collection of South Barwon that has survived. Supports heritage management objective to retain the two northern most hipped-roof forms and removal of the later sunroom and reinstatement of the original veranda. 	<p>Support for permanent heritage overlay noted.</p> <p>Inclusion of the property in a permanent heritage overlay is recognition of the heritage significance of the site. The Design Guidelines promote the retention of part of the property with the homestead.</p> <p>The significance of the site has been assessed as of local significance and the Norfolk Island Pine is included as a tree for the purposes of the heritage overlay provisions.</p> <p>Support for the Design Guidelines is noted.</p> <p>The site has been determined to be of local significance. Inclusion of the site in the heritage overlay within the Planning Scheme is the appropriate place for recognition of this place of local significance. Heritage Victoria</p>

No.	Type	Summary of Submission	Theme / Response
		<ul style="list-style-type: none"> Future development guidelines are well drafted and for the balance of the site outside of the Claremont House and Norfolk Island Pine tree envelope. Seeks further measure of protection as places of local significance by Heritage Victoria. 	<p>only includes places of state significance on its Register. The Heritage Council Registrations and Permits Review Committee formed the view in May 2020 that the case for inclusion on the Heritage Victoria Register as a place of state significance or for an interim protection order was not sustained. The site was included in the heritage overlay on an interim basis by the Minister for Planning to give time for the City to consider and prepare a permanent heritage overlay.</p>
21	S	<ul style="list-style-type: none"> Do not wish for any changes to be made at the site. Purchased home in The Vineyard as it is a quiet area and wish for that to remain. 	<p>Refer to theme <i>Future development and use of the site</i></p>
22	S	<ul style="list-style-type: none"> Interim heritage overlay should not have been necessary as the Claremont Homestead and Storage Shed place was identified as being of Regional Significance by the City of Greater Geelong Outer Areas Heritage Study Stage 2 1998-2000. Heritage at risk and action only taken under threat of demolition. It is vital that the recommendations for the suburbs of Kardinia Ward are now urgently reviewed, particularly in Marshall where significant development is occurring. Explanatory report should have referenced the Greater Geelong Heritage Strategy 2017-2021 and outstanding recommendations from the Outer Areas Heritage Study. Clause 22.09 should include the complete City of Greater Geelong outer Areas Heritage Study Stage 2 by as a reference document. Comments on the Design Guidelines Incorporate Plan January 2021, <ul style="list-style-type: none"> Permits need to be required for the construction of driveways and car parks (2.1), 3.5 external alterations to the rooflines should not be allowed 3.6 subdivision and redevelopment should not be allowed until an appropriate buffer is determined, Reducing the extent of the heritage overlay to an area marked in red on the guidelines will not protect the spatial setting of the house and outbuildings and heritage values of the property, 	<p>Support for permanent heritage overlay noted.</p> <p>Refer to theme <i>Design Guidelines Incorporated Document</i></p> <p>The inclusion of the complete City of Greater Geelong Outer Areas Heritage Study Stage 2 as a reference document in the Planning Scheme will be a feature of a future amendment when the balance of the Study is implemented either directly or through updated heritage studies for the areas involved. The reference is not needed as part of this amendment as the most relevant and recent heritage assessment of the Claremont Homestead is being included as the appropriate reference document. The inclusion of the complete Stage 2 is not opposed per se, however, the inclusion of reference documents in the Planning Scheme need to be justified for decision making. With the balance of the area not yet included in the heritage overlay, there is no direct or explicit need for Stage 2 documents to referenced.</p> <p>Urgent additional heritage listings required for the suburbs of Kardinia Ward, such as Marshall where significant development is occurring is noted. The City has prioritised its heritage amendments and it is beyond the scope of this amendment to address.</p> <p>Past Council decisions on implementing in its entirety the Outer Areas Heritage Study are not a matter that can be resolved by this amendment.</p>

No.	Type	Summary of Submission	Theme / Response
		<ul style="list-style-type: none"> ▪ The outbuilding is of primary significance and needs to be retained and treated in the same way as the Homestead and Norfolk Island Pine. It should be within the red zone and not the yellow zone, ▪ The apple orchard was removed in August 2020. An area to the west of the Homestead should be retained in the overlay and required to be re-planted with an apple species appropriate to the time the orchard was planted, ▪ An appropriate buffer needs to be determined and any subdivided land must be in blocks no smaller than the surrounding neighbourhood and buildings restricted to single storey, and ▪ Further public access to Baum Park, which was gifted to the public, should be created where possible. 	<p>The amendment proposes to extend the inclusion of the whole of the site in the heritage overlay – there is no proposal to reduce the overlay extent.</p> <p>2.1 – permits for driveways etc are not exempt in the red zone (the area of highest significance) but are exempted elsewhere on site.</p> <p>3.5 - The Guidelines seek to conserve the prominent twin hipped form over the northern half of the homestead and key northern and eastern facades. The western and southern facades are of lesser architectural significance, whilst the southern part is in poorer structural condition, and containing unserviceable kitchen and wet areas that will need to be upgraded for residential use - this results in a more flexible approach to alterations and additions being recommended for the southern part and the results of which should be barely if at all visible in the significant views of the homestead.</p> <p>3.6 - The appropriate curtilage or buffer setting for Claremont Homestead is discussed in the theme <i>Design Guidelines Incorporated Document</i>, focussing on restricting development to the north and east of the homestead. There is no heritage benefit in preserving a larger area than ~1000-1500m² around the homestead; the farm setting that was once around the homestead has long gone and the future of the homestead is as an integral part of a residential area.</p> <p>The large shed is of lesser significance than the homestead and is in an extremely poor and unsafe condition. It is unreasonable to mandate its retention given the amount of work and new building material that would be required to repair it, however if the owner has capacity to stabilise and reuse the shed that is not prevented by the guidelines and shall be encouraged.</p> <p>Whilst it existed the orchard contributed to the significance of the place, and the advice of the owners is that it contained many more fruit varieties than apples. The orchard trees were in an extremely poor health at the time they were removed. Heritage overlays cannot demand reinstatement of features that ceased to exist prior to the overlay's creation, e.g. the orchard, and even if the orchard had survived in a healthy state it would not necessarily have been of such significance as to demand its ongoing retention. The guidelines do not prevent the owners from planting similar fruit trees around the homestead.</p> <p>The creation of further public access to the site or to Baum Park is beyond the scope of this amendment.</p>

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23	S	<ul style="list-style-type: none"> Supports the heritage overlay to retain and conserve the house, tree, gardens and shed. Recently purchased house in adjoining street and prefers street to be maintained as no through roads and to be able to view the homestead from Kinsmead Street. Wishes to see Norfolk Island Pine cared for and maintained and there is no development or disturbance to the tree roots. It is great to live around the heritage homestead. 	<p>Support for permanent heritage overlay noted.</p> <p>Refer to theme <i>Future development and use of the site</i>.</p> <p>Refer to theme <i>Future access and traffic impacts</i>.</p> <p>The Norfolk Island Pine is included as a significant tree within the Schedule to the Heritage Overlay. The Design Guidelines provides a root protection zone to ensure any development in the vicinity does not cause damage to the Norfolk Island Pine.</p>
24	S	<ul style="list-style-type: none"> Supports the heritage overlay. Does not want to see demolition by neglect and to become the target of squatters and vandals. Application of the heritage overlay to the house and Pine Tree and some subdivision into house blocks similar in size to those in Kinsmead Street and Delgany Mews will provide capital for ongoing maintenance and security of the Homestead. 	<p>Support for permanent heritage overlay noted.</p> <p>Refer to theme <i>Future development and use of the site</i>.</p> <p>Unfortunately, the homestead has not undergone any substantial renovations of maintenance since the early 1970s and this combined with the building techniques and materials from the 1850's has contributed to its significant deterioration. The landowners have advised that the site is already the subject of vandalism and theft, with police patrols occurring. The site is currently for sale and with it is anticipated that the building will be retained as part of a wider site development.</p>
25	S	<ul style="list-style-type: none"> Support the heritage overlay as the homestead and surrounds are important to Waurm Ponds and Geelong. Maintain access to Baum Park from Kinsmead Street. Retain Kinsmead Street as a no through road. Heritage management objective 3.1-3.6 are supported providing development is limited and that Claremont Homestead has an unobstructed view. Future subdivision outside the overlay to be in keeping with the area so that the ambience of Claremont Homestead can be maintained. Appropriate redevelopment of the site could be a reminder of the history of Waurm Ponds and Geelong for future generations. 	<p>Support for permanent heritage overlay noted.</p> <p>Refer to theme <i>Future access and traffic impacts</i>.</p> <p>Refer to theme <i>Design Guidelines Incorporated Document</i>.</p> <p>The homestead site is privately owned and does not provide sanctioned access to Baum Park from Kinsmead Street. The amendment proposes a permanent heritage overlay supplemented by Design Guidelines to ensure that the significant features of the site are protected in any further</p>

No.	Type	Summary of Submission	Theme / Response
			<p>development on the site. This does not include subdivision parameters and directions on providing public access.</p> <p>Support for heritage management objective 3.1-3.6 in the guidelines is noted. The Guidelines also seek to retain the area at the front or on the northern side of the Homestead containing the Norfolk Island Pine.</p> <p>The Design Guidelines seek to provide appropriate development parameters whilst protecting areas of significance on the site. Application of the heritage overlay to the homestead itself acknowledges the history of the area.</p>
26	S	<ul style="list-style-type: none"> • Supports the permanent heritage overlay as it will ensure the maintenance of neighbourhood character in future housing development on the land. • Objects to the allowance of two storey dwellings on the site as this will visually impact on the area and increase traffic in this quiet area of Waurm Ponds. 	<p>Support for permanent heritage overlay noted.</p> <p>Refer to theme <i>Future development and use of the site</i>.</p> <p>Refer to theme <i>Design Guidelines Incorporated Document</i>.</p> <p>The permanent heritage overlay is being implemented to recognise the heritage significance of the Claremont Homestead. It is not being implemented to achieve a specific neighbourhood character or housing outcome for the area.</p>
27	S	<ul style="list-style-type: none"> • Agree with the permanent heritage overlay. • Homestead and tree are landmarks for Waurm Ponds and their loss would affect the character of the area. • Wish to see the Homestead renovated to its' former glory. • Opposed to two storey development on the site as they would affect their privacy, light and vista and create more traffic and congestion in the area. • Purchased in the area in 2003 as there were few unit sites. • Do not want to see over development of the site. 	<p>Support for permanent heritage overlay noted.</p> <p>Refer to theme <i>Future development and use of the site</i>.</p> <p>Refer to theme <i>Design Guidelines Incorporated Document</i>.</p> <p>Refer to theme <i>Future access and traffic impacts</i>.</p> <p>Renovation of the homestead is not a requirement of the heritage overlay and will be a private landowner decision. There are structural concerns for the homestead which need to be addressed before it can be occupied.</p>
28	S	<ul style="list-style-type: none"> • Supports permanent heritage overlay to retain local history and reminder of the Baum family association with Waurm Ponds. • Seeks inclusion of the following to the Incorporated Document: <ul style="list-style-type: none"> ○ Provision for pedestrian access to Baum Park from Delgany Mews, Kinsmead Street and Chardonnay Court. 	<p>Support for permanent heritage overlay noted.</p> <p>Refer to theme <i>Future development and use of the site</i>.</p>

No.	Type	Summary of Submission	Theme / Response
		<ul style="list-style-type: none"> ○ Limit any subdivide blocks to be in keeping with the surrounding properties – no smaller than 700m2 on the north and west sides and no smaller than 450m2 on the east and west sides of the property. ○ Any additional subdivisions land at the south end of the property be limited to single storey dwellings to enable to the Homestead to be viewed from Baum Park (should pedestrian access be provided). ○ The homestead, gardens, tree and rear shed be situated on enough land to maintain its aesthetic significance. ○ Any demolition of the rear shed be supported by a qualified structural engineers report. 	<p>Refer to theme <i>Design Guidelines Incorporated Document</i>.</p> <p>Refer to theme <i>Future access and traffic impacts</i>.</p> <p>The Design Guidelines are intended to address the future development parameters for new development to ensure that it does not negatively impact on the heritage significance of the site. It is not a catch-all document about all future development needs of the site. Subdivision and traffic management will be considered by a future planning permit process. Changes to the Design Guidelines to include additional requirements on subdivision size and accessibility are not supported.</p> <p>The Design Guidelines support up to two storey development on land to the south and west of the Homestead in line with the recommendations of the Heritage Assessment. Maintenance of views to the homestead from Baum Park were not identified in the Assessment as being critical to the retention of the heritage values of the site.</p> <p>The aesthetic significance of the homestead and its surrounding gardens and tree is recognised in the red zone included in the Design Guidelines. This has been selected to ensure these valuable elements are retained together and is considered enough space for this purpose.</p> <p>The rear shed is in a very bad state and can be demolished. A structural engineering assessment is not required to verify this.</p>
29	S	<ul style="list-style-type: none"> ● Agrees with the permanent heritage overlay. ● Access to the site and number of units to be built are major issues. Roads leading into the site are narrow and car parking is already difficult in the street. ● Use of Semillon and The Vineyard as entrances to the site will require the purchase of public land on the south side of Baum Park. ● Disagrees with allowing two storey units to be built south of the Homestead as will increase the number of traffic and parking problems. ● 30-40 Units will increase traffic to 45-50 cars. ● Number of units needs to be reduced and controlled and no double storey development allowed. 	<p>Support for permanent heritage overlay noted.</p> <p>Refer to theme <i>Future development and use of the site</i>.</p> <p>Refer to theme <i>Future access and traffic impacts</i>.</p> <p>Refer to theme <i>Design Guidelines Incorporated Document</i></p> <p>The homestead has high ceilings with a steep hip roof; providing an overall height equivalent to a modern two-storey residential dwelling. Considering this, and the existence of two storey dwellings on adjoining properties already, it is appropriate to allow two storey development on the site.</p>

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30	S	<ul style="list-style-type: none"> Full support to Council for decision to apply permanent heritage overlay. 	Support for permanent heritage overlay noted.
31	S	<ul style="list-style-type: none"> Supports the heritage overlay. Former owner Mr Ken Baum used to say that he hopes they don't pull my old home or tree down. 	Support for permanent heritage overlay noted.
32	S	<ul style="list-style-type: none"> Pleased to see heritage listing. Land around the homestead should not be over-developed, preferring single-storey family homes like the surrounding area. Include a public walkway through the land from Kinsmead Street to Baum Park so it is accessible to residents. Council needs to develop the land attached to other areas as it is currently being used as a dumping ground. 	<p>Support for permanent heritage overlay noted.</p> <p>Refer to theme <i>Future access and traffic impacts</i>.</p> <p>Refer to theme <i>Future development and use of the site</i>.</p> <p>Refer to theme <i>Design Guidelines Incorporated Document</i>.</p>
33		<ul style="list-style-type: none"> Confirms that the WATOC is the Registered Aboriginal Party for the subject site and its context. Provides no comment on the amendment recognising that normal obligations under the Planning and Environment Act 1987 and the Aboriginal heritage Act 2006 will be respected and adhered to. 	Submission noted.
34	O	<p>Objects to the amendment:</p> <ul style="list-style-type: none"> <i>Structural integrity of the Homestead</i> – internally in very poor condition with structural cracks on load bearing walls, rotten floorboards and compromised walls and verandas. Master Builder advice is a total rebuild required. <p>The Heritage Assessment states the Claremont Homestead is a representative example of the Victorian Georgian type in Greater Geelong and has similar integrity to other comparable dwellings of this type already included in heritage overlays. This statement was made without viewing the structural integrity of the inside of the house.</p> <ul style="list-style-type: none"> <i>Report inconsistencies regarding veranda</i> – the report identifies that the extent and concave form of the original return veranda is part of the fabric of 	<p>Refer to theme <i>Is a permanent heritage overlay warranted?</i></p> <p>Refer to theme <i>Building Condition</i>.</p> <p>Refer to theme <i>Consultation</i>.</p> <p>The submitter is correct that no on-site inspections took place as part of the heritage review in June 2020. The review document itself acknowledges this fact. The City has since commissioned a structural engineering assessment which finds considerable failings in the building and which will require significant replacement/restoration. The heritage significance of the homestead remains as per the criterion for assessing significance. Should the present condition limit the ability of Claremont to be conserved or developed in accordance with the Design Guidelines, then such limitations</p>

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		<p>significance however this was altered in the 1920's and the original wooden slats removed in the 1970's.</p> <ul style="list-style-type: none"> • <i>Consultation and communication</i> – disappointingly consultation with the landowners did not take place early as recommended by the heritage assessment report, only occurring in March 2021. <p>Notice about the amendment was addressed to the occupier of 12-16 Kinsmead Street but not to the current owners, yet rates notices are correctly mailed to the owners.</p> <p>No notification about the interim protection order, and this was brought to the City's attention by locals in response to the possible sale and demolition of the homestead. Landowner found out through local print media articles.</p> <ul style="list-style-type: none"> • <i>Historical associations, attachments and use significance</i> – Family history undertaken by Jean Baum (submitter's mother) producing a family history book and extensive family tree. Four hundred people attended the Baum family reunion in 1975 and through them Claremont's history will live on. The social attachments raised in the supporting submissions do not take account of the state of the homestead. Whilst Ken Baum allowed neighbours to walk through the property as a short cut to Baum Park, the property is now vulnerable after his passing and the current Baum family actively discourage this practice with Keep Out signs. • <i>Baum Park gift</i> – the Baum family gifted a parcel of land to Council for use a park. The remaining property is not public land. Majority of submitters seem more concerned with losing their perceived entitlement to walk through the private property than with the heritage. <p>Council has approved 3 subdivisions of Claremont over 30 years and had the park gifted. To now after 30 years have the house deemed as of significance is difficult.</p> <ul style="list-style-type: none"> • <i>Security</i> – Break ins on at least 7 occasions, most recently on 13 March 2021. These have result in thousands of dollars of damage and stripping of copper wiring, smashed mirrors, broken glass panes and graffiti inside and outside. Police need to regularly patrol the area as the public know the house is unoccupied. • <i>Wishes of Ken Baum</i> – contrary to supporting submissions, the submitter has never heard of his desire to keep the house and tree beyond his life. If this 	<p>can be investigated and considered in the context of approving future works through the permit approval process.</p> <p>The submitter counters the position of some other points of submission that the outbuildings should be retained. The condition of the shed is very poor and was evident from the City's site inspection in March 2021. The Design Guidelines allow for this to be removed and submissions seeking its mandatory retention are not supported given the amount of work and new building material that would be required to repair it, however if the owner has capacity to stabilise and reuse it the shed that will is not prevented by the guidelines and shall be encouraged.</p> <p>The 1920s modifications to the verandah are part of the early significant evolution of the homestead; overall the verandah modifications have not detrimentally effected the architectural significance of the homestead – hence verandahs remain a significant and distinctive feature of the north and east facades.</p> <p>The history gathered and lived by the family is valuable historical information. Historical associations about a prominent family are a relevant criterion for determining the heritage significance of a place and inclusion within the heritage overlay. The two can complement each other.</p> <p>The land is privately owned and people have taken advantage and opportunity to access across/through the site without the permission of the landowners. A heritage overlay does not infer any public rights to access private land. Any access to the site in future would need to be considered as part of any future subdivision application and be at the discretion of the property owner.</p> <p>Security of the homestead has clearly been an issue whilst it has not been occupied. However, this does not impact on the heritage significance of the site which this amendment is seeking to permanent include in the heritage overlay.</p> <p>The wishes of Ken Baum are not a relevant consideration for determining the heritage significance of the property. They are only anecdotal comments in submissions and no weight is given to them.</p>

No.	Type	Summary of Submission	Theme / Response
		<p>was wanted, Ken Baum would have left the property in a trust in his will as had been done with a house in Lorne.</p> <ul style="list-style-type: none"> • <i>Clause 21.06-5 Retain culturally significant places</i> – how can this be achieved with Claremont which requires a complete rebuild? It would be re-creation rather than conservation and then where is the historical significance? • <i>No on-site inspections</i> – No one from Authentic Heritage Services, the City or the National trust has been on site for an internal property inspection which impacts capacity to assess the integrity of the homestead. • <i>Condition of outbuildings</i> – Objects to clauses 3.5 and 3.6 of the Design Guidelines. External alterations to the rooflines should not be allowed and subdivision and redevelopment not allowed until an appropriate buffer is determined. The shed is in extremely poor condition with unsafe floors, rotting wall linings and roofing blown away in the Waurn Ponds tornado. • <i>Fruit orchard</i> – Objects to the Apple Orchard statements. The fruit trees were in extremely poor condition with hollow trunks and limbs fallen off. The orchard was never just an apple orchard as other fruit varieties were over 60 years old including plums, cherries, apricots and peach trees. The 2019 crop was very small. 	<p>Retaining culturally significant places as required by Clause 21.05 is achieved through inclusion of the site in the heritage overlay. This does not prevent repairs or reinstatement of significant portions of buildings. It is reasonable to expect that old places will need ongoing maintenance and repair and that fabric will be updated and replaced.</p> <p>As outlined in the heritage review, the Claremont Homestead has associations with the crop farming and vine and fruit growing in Waurn Ponds and the Barrabool Hills, the area becoming synonymous for cultivating large quantities of wine and fruit in the 1850s when the homestead was constructed. The remnant orchard is a physical legacy of one of the enduring land uses from the 19th century. It is unfortunate that it has been removed but the photograph included with the submission show that the trees were in poor condition with rot and hollowed middles. The City does not support the need to reinstate the orchard.</p>
35	O	<p>Objects to the heritage overlay:</p> <ul style="list-style-type: none"> • <i>Homestead condition</i> – the current condition of the homestead is very poor from the ground up. Only the bare minimum maintenance has been undertaken since the 1970's. Inspection by the City or heritage consultant would have revealed this condition. Master builder and trades have provided advice that there is little if any original material that could be reused and a complete rebuilding using new materials would be required, resulting in a reproduction building. • <i>Financial cost and restrictions</i> – the interim heritage overlay has affected the land value by approximately \$500,000 based on real estate estimates and prospective purchaser offers. Rebuild costs and compliance with the heritage overlay would be hundreds of thousands of dollars. Remaining land around the homestead would be largely unusable for subdivision due to access and size restrictions. <p>The Baum family owners/inheritors should not be expected to bear the financial cost and personal cost of a place of little or no heritage value to the Geelong community.</p>	<p>Refer to theme <i>Is a permanent heritage overlay warranted?</i></p> <p>Refer to theme <i>Building Condition</i>.</p> <p>Refer to theme <i>Financial Impact of the heritage overlay</i>.</p> <p>Refer to theme <i>Consultation</i>.</p> <p>Refer to theme <i>Future access and traffic impacts</i>.</p> <p>It is agreed that the Norfolk Island Pine is not indigenous to the area, but it is a landmark tree forming part of the heritage landscape of the site and makes a strong aesthetic contribution to the site and area. The Heritage Review of the site noted that the Norfolk Island Pine Tree has scientific significance as a remnant of an early rural homestead landscape in Greater Geelong and a local heritage landmark on the property and immediate residential area. For these reasons, the proposed Incorporated Document identifies that the tree is to be retained with the homestead. In this context, the tree control in the Heritage Overlay is justified.</p> <p>During an on-site inspection by the City, the landowners pointed out scar on the tree caused by a lightning strike in the 1950s. It is important to be clear</p>

No.	Type	Summary of Submission	Theme / Response
		<ul style="list-style-type: none"> <i>Inclusion of the Norfolk Pine and garden</i> – the Norfolk Pine is not indigenous to the area, it is large and old, and is not rare as many examples elsewhere. Whilst a landmark, it is not of any heritage value. The layout of Kinsmead Street suggests it was planned to go through it. The garden to the north of the homestead was primarily used as a pumpkin patch and has no heritage value. <i>Future use of the property</i> – Restrictions of the heritage overlay will mean that approximately one third of the homestead will need to be rebuilt as a replica with the remaining southern attachment a modern dwelling. This does not provide any historical benefit for future generations. There has been no consideration for access or road planning. Restricting the proposed area to the centre of the property will make it difficult for practical use of the balance of the land. The truncation of Kinsmead Street, Delgany Mews and The Vineyard, suggests that they were to be linked somehow. The financial loss resulting from the heritage overlay and the development restrictions imposed outweigh any benefits that the heritage order has for the Geelong community. <i>Motive for heritage listing and submitters</i> – The late Mr Baum allowed, even encouraged neighbours to walk through and use the property which seems to have fostered a sense of public ownership of the land. It is not – it is private property. Most submissions from neighbour's object to an increase in housing development, loss of access, increased traffic, changes to the character of the area rather than the preservation of the heritage of the site. This is considered the motive for the application for heritage listing – to prevent or highly restrict any development of the site. This will be subject to further Council decision and would be the appropriate time to consider such concerns. Previous subdivision of the original Baum holding has benefitted the community through the creation of Baum Park. <i>Process and lack of consultation</i> – Owners found out about the heritage overlay from newspaper article. Notification was not personally mailed to the owners but addressed to the Occupier at Claremont Homestead. Attempts by the Baum family to arrange on-site consultation over months were to no avail. 	<p>that that whilst the heritage overlay will trigger the need for a planning permit to remove the tree it doesn't mean the tree can't be removed or lopped if it demonstrated in the future that that the tree poses an immediate risk. The City has not undertaken an arborist assessment of the tree. The Heritage Overlay at Clause 43.01-1 states that a planning permit is required to:</p> <p>“Remove, destroy or lop a tree if the schedule to this overlay identifies the heritage place as one where tree controls apply. This does not apply:</p> <ul style="list-style-type: none"> To any action which is necessary to keep the whole or any part of a tree clear of an electric line provided the action is carried out in accordance with a code of practice prepared under Section 86 of the Electricity Safety Act 1998. If the tree presents an immediate risk of personal injury or damage to property.” <p>The history gathered and lived by the family is valuable historical information. Historical associations about a prominent family are a relevant criterion for determining the heritage significance of a place and inclusion within the heritage overlay. The two can complement each other.</p> <p>A structural engineering assessment has been undertaken. This has been shared with and the City has discussed it with the landowner. Consideration of the submissions has been deferred from April to July 2021 to allow for this to take place.</p>

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		<p>Officers attended on site on 9 March after the permanent heritage overlay was proposed.</p> <p>Requests that when significant change is proposed, parties should be fully informed of the process and afforded full consultation. Not to do so does not treat landowners respectfully.</p> <ul style="list-style-type: none"> • <i>Preservation of Baum family heritage</i> – The late Mrs. Jean Baum was dedicated to researching and recording the Baum family history in Waurn Ponds and Geelong. Their daughter holds all these records and artefacts in trust until the best means for display and conservation of these is determined. This historical record of the Baum family is more important than rebuilding a small portion of the original homestead, preserving a non-indigenous tree and front yard. <p>Requests the amendment be withdrawn or withheld until proper inspection is carried out on the existing structure and consultation undertaken with the current owners before deciding on whether to proceed.</p>	
36	O	<ul style="list-style-type: none"> • Objects to the permanent heritage overlay. • Reliance upon heritage assessment which is not substantiated by external and internal inspection of the property to determine the condition of the buildings. • Lack of consultation from the Council about the heritage listing. • Seeks a structural report to determine the state of the building. Cost to be funded by Council. Decision to be deferred until an informed decision can be made. • No basis to most of the submissions as no one has been inside to view the building. National Trust submission includes inaccuracies. • Submitters supporting heritage overlay believing it will continue right of passage through the property are incorrect as property is for sale. Will only continue if these submitters purchase it. • Timeline of the amendment provided. • Photos of the structural condition of the external walls and the remnants of rotten tree stumps/trunks from the orchard. 	<p>Refer to theme <i>Is a permanent heritage overlay warranted?</i></p> <p>Refer to theme <i>Consultation</i>.</p> <p>Refer to theme <i>Building condition</i> – structural engineering assessment has been undertaken and consideration of the submissions has been deferred from April to July 2021.</p> <p>Refer to theme <i>Future access and traffic impacts</i>.</p> <p>All submissions need to be considered. Many submissions are seeking matters beyond the scope of the amendment and heritage overlay to be addressed such as providing access across the site. These are responded to in the key themes of <i>Future access and traffic impacts</i> and <i>Future development and use of the site</i>.</p>