

**WHITEHORSE PLANNING SCHEME
AMENDMENT C140**

PANEL REPORT

28 NOVEMBER 2011

**WHITEHORSE PLANNING SCHEME
AMENDMENT C140**

PANEL REPORT



Neville Wale, Chair



Renate Howe, Member

28 NOVEMBER 2011

Contents

1. SUMMARY.....	1
2. BACKGROUND.....	2
2.1 The Amendment.....	2
2.2 The Panel	2
3. WHAT IS PROPOSED?	5
3.1 Background to the proposal.....	5
3.2 Details of the Amendment	5
4. PLANNING CONTEXT	7
4.1 Policy framework	7
4.1.1 State Planning Policy Framework	7
4.1.2 Local Planning Policy Framework.....	9
4.2 Planning scheme provisions	11
4.2.1 Zones	11
4.2.2 Overlays	11
4.2.3 Particular provisions.....	12
4.2.4 General provisions	12
4.3 Other planning strategies and guidelines.....	13
4.3.1 City of Whitehorse Guidelines for Individually Listed Buildings	13
4.3.2 Local Government Heritage Guidelines.....	13
4.4 Panel comment on planning context	13
5. IDENTIFICATION OF ISSUES	14
5.1 Summary of issues	14
5.2 Issues from the Strategic Assessment Guidelines.....	17
5.3 Conditions imposed as part of the authorisation of the Amendment	19
5.4 Form and content	19
5.5 Approach adopted by the Panel.....	20
5.6 Issues dealt with in this Report	21
6. CONSIDERATION OF ISSUES.....	22
6.1 Consideration of referred submissions	22
6.2 Criteria and thresholds adopted for the Heritage Overlay	22
6.3 Consideration of individual places.....	24
6.3.1 Submissions 11 and 12 - 4 Linsley Street (HO218) and 1050-1040 Whitehorse Road, Box Hill (HO229)	24
6.3.2 Submission 16 - 60 Shannon Street, Box Hill North (HO220).....	29
6.3.3 Submissions 5 & 9 - 115 Shannon Street, Box Hill North (HO221)	31
6.3.4 Submission 14 - 738 Station Street, Box Hill (HO224).....	33
6.3.5 Submission 4 - 781 Station Street, Box Hill (HO226).....	38
6.3.6 Submission 15 (Part) - 701 Station Street, Box Hill (HO223).....	39
6.3.7 Submission 15 (Part) - 1 Clarke Street, Blackburn (HO230).....	43
6.3.8 Submission 1 - 327 Warrigal Road, Burwood (HO235).....	46
6.3.9 Submissions 17 & 10 - 1 Lightfoot Street, Mont Albert (HO237).....	49
6.3.10 Late Submission - 467 Station Street, Box Hill (HO222).....	51
6.4 Other Submissions	53
6.4.1 Late Submission - 28 - 30 Asquith Street, Box Hill South (HO215).....	53
6.4.2 Submission 7 - 90 Albion Road, Box Hill (St Paschals Friary) (HO214).....	54

6.4.3	Submission 8 - 395 Middleborough Road, Box Hill (Box Hill Cemetery) (HO58 and HO219).....	56
6.4.4	Submission 13 - 1000 Canterbury Road, Box Hill (former Municipal Incinerator) (HO216) and 354 Elgar Road, Box Hill (Surrey Dive) (HO217).....	58
6.4.5	Submission 6 - 800 Station Street, Box Hill (HO227).....	61
6.5	Places to which no submissions received	63
6.5.1	Places proposed to be included in the Heritage Overlay	63
6.5.2	468 Mitcham Road, Mitcham (HO236)	63
6.5.3	Tyne Street and Watts Street Corner Precinct (HO228)	65
6.5.4	310 Burwood Highway, Burwood (East Burwood Hall) (HO234).....	66
6.6	Areas of Change Policy and The Heritage Overlay	69
7.	RECOMMENDATIONS	76

List of Figures

Figure 1	Strategic Framework Map (from Clause 21.04)	6
Figure 2	Categories of Change Map (from Map 1 Clause 22.03 Residential development).....	67
Figure 3	Activity Precincts – from Box Hill Transit Activity Centre Structure Plan 2007	68

1. Summary

Amendment C140 to the Whitehorse Planning Scheme, as exhibited, proposes to apply the Heritage Overlay to 28 Places comprising 27 individual places and one precinct across Box Hill, Blackburn, Nunawading Mitcham, Mont Albert and Surrey Hills. The controls also propose to replace one interim HO control at 4 Linsley Street, Box Hill, imposed in response to a demolition proposal.

Neville Wale and Renate Howe were appointed as a Panel to consider the submissions, and a public hearing held on 11th, 12th and 14th October 2011 at the Whitehorse Civic Centre.

Council received 17 submissions and two late submissions, to the Amendment from Dept of Sustainability & Environment, VicRoads, Melbourne Water, and individuals. A number of the individual submitters supported the Amendment while others objected either, to the application of the heritage overlay or to aspects of the controls affecting the development potential of their properties.

The Amendment continues Council's heritage implementation strategy, which is supported by some ten heritage studies completed in the municipality over the last 20 years. The *City of Whitehorse Potential Heritage Framework 2008*, which provides a systematic, strategic approach to assessing potential heritage, was finalised in November 2010. Council referred extensively to its past heritage studies and particularly the work of Ms Helen Lardner of HLCD Pty Ltd, heritage consultants responsible for the Framework review. Council maintained that the planning proposals contained in the Amendment were appropriate.

The Panel visited all individual places and the one heritage precinct proposed for inclusion in the heritage overlay in the Amendment. As part of its review of submissions, the Panel examined the assessments of individual places and the heritage precinct, including Statements of Significance relating thereto. Council also requested the Panel's direction on the implications of the Minister's Authorisation condition and inconsistencies with Clause 22.03 of the Scheme relating to minimal change areas and places protected by the Heritage Overlay.

The Panel recommends that the Amendment be adopted, subject to changes set out in Chapter 7 of this Report.

2. Background

2.1 The Amendment

Amendment C140 to the Whitehorse Planning Scheme, as exhibited, proposes to apply the Heritage Overlay to 28 Places comprising 27 individual places and one precinct across Box Hill, Blackburn, Nunawading Mitcham, Mont Albert and Surrey Hills. The controls also propose to replace one interim HO control at 4 Linsley Street, Box Hill (gazetted via Amendment C141 on 28 July 2011 in response to a demolition application).

The planning authority is City of Whitehorse.

2.2 The Panel

This Panel was appointed under delegation on the 1st August 2011 pursuant to Sections 153 and 155 of the *Planning and Environment Act 1987* to hear and consider submissions in respect of the Amendment.

The Panel consisted of:

- Chairperson: Neville Wale; and
- Member: Renate Howe.

Hearings and inspections

A Directions Hearing was held on 5th September 2011 at Whitehorse Civic Centre, Nunawading. The Panel Hearings were held on 11th, 12th and 14th October 2011 at the Whitehorse Civic Centre.

The Panel made unaccompanied visits to the various places listed in the Amendment on Thursday 29th September 2011.

Exhibition

The amendment was exhibited between 31st March 2011 and 13th May 2011. Notices were placed in the Government Gazette and the Whitehorse Leader, and letters were sent to the owners and occupiers of all affected properties.

The Panel notes that Council undertook pre-exhibition notification and discussion with owners from October to December 2010.

Submissions

The Panel have considered all written and oral submissions and all material presented to it in connection with this matter.

The Panel heard the parties listed in Table below.

Table 1

Submittor	Represented By
Whitehorse City Council	Ms Allison Egan who called the following witness: <ul style="list-style-type: none"> ▪ Ms Helen Lardner of HLCD Pty Ltd, Heritage consultants
Hao Lin	Mr Dominic Scally of Best Hooper Solicitors who called the following witness: <ul style="list-style-type: none"> ▪ Bryce Raworth of Bryce Raworth Pty. Ltd, Conservation - urban design.
Jim Michalakas	Ms Joanne Lardner of Counsel instructed by Tamara Brezzi solicitor of the firm Norton Rose Australia who called the following witness: <ul style="list-style-type: none"> ▪ Bryce Raworth of Bryce Raworth Pty. Ltd, Conservation - urban design.
Freemasons Victoria	Mr David Gold of the firm Planned FX who called the following witness: <ul style="list-style-type: none"> ▪ Anita Bradey of Lovell Chen, Architects and Heritage consultants.
Metropolitan Fire Brigade and Girl Guides Australia	Ms Trisha Brice of the Planning Group Australia, who called the following witness: <ul style="list-style-type: none"> ▪ Anita Bradey of Lovell Chen, Architects and Heritage consultants.
Kelvin Freeman	Mr Bill Kuszniczuk of the firm Clement Stone, Town Planning.
Con Sarrou	
Zhao Yang Lin	Mr Alan Green of Archicentre Ltd.

A list of all written submissions to the Amendment is included in Table 2.

Table 2

Submittor	Organisation (if any)
Hao Lin	
Emile Kyriacou	Department of Sustainability and Environment
Herman Lai	VicRoads

Submittor	Organisation (if any)
A and M Cicchelli	
W H Geraeds	
David Fraser	
Cathy and John Altmann	
Fiona McKinnon	
Falk Hannemann	
J N Browne	
Wendy Lewis	Girl Guides Australia
	Metropolitan Fire Brigade
Deborah Riley	Melbourne Water
Jim Michalakas	Anik Pty Ltd
	Freemasons Victoria
Con Sarrou	
Kelvin Freeman	g
Zhao Yang Lin (Late Submission)	
Hamish Kinsella (Late Submission)	

Further directions

At the close of hearings on 12th October the Panel made the following directions in relation to 738 Station Street, Box Hill requesting Ms Helen Lardner (Council Heritage Consultant) to review the Heritage Assessment of the property, following inspection, and circulate the assessment to the parties by 19th October. The parties were to respond to the Panel by 28th October.

During the hearings on 14th October the Panel in relation to 1 Lightfoot Street, Mont Albert the Panel requested that Mr Bill Kuszniczuk facilitate inspection of the property by Ms Helen Lardner (Council Heritage Consultant).

3. What is proposed?

3.1 Background to the proposal

Amendment C140 continues Council's heritage implementation strategy, which is supported by some ten heritage studies completed in the municipality over the last 20 years. The *City of Whitehorse Potential Heritage Framework 2008* provides a systematic, strategic approach to assessing potential heritage. The Framework assessed thematic studies, previous heritage reviews, and reviewed the representation of places in the HO. It also set out a number of tasks of which Assessment Task 2, the basis of Amendment C140, was finalised in November 2010.

The Assessment Task recommended that 29 places be included in the HO, but also recommended that nine places in *City of Whitehorse Potential Heritage Framework 2008*, be excluded from further consideration. The Amendment therefore includes places recommended in Part 2 of the Framework study in Box Hill and in Part 3 in Suburbs Other than Box Hill. Council's resolution of 13th December 2010 to seek authorisation for Amendment C140, resolved to abandon further consideration for inclusion of the places listed in Part 1 of the Framework study in the HO.

3.2 Details of the Amendment

The Amendment replaces the schedule to the Heritage Overlay (HO) with a revised HO schedule, adds new heritage overlays to the maps, and makes consequential changes to the Municipal Strategic Statement (the MSS) and Local Planning Policy Framework (the LPPF), more particularly as follows:

- Clause 21.04 Strategic Directions Map 1 is amended to include 25 of the 28 heritage places in the minimal change area (three places at 710, 738 and 781 Station Street, Box Hill remain in their current change categories).
- Clause 21.06 Housing: Reference is added to specify that residentially zoned properties in the Box Hill Central Activities District will be excluded from the minimal change area.
- Clause 22.01 Heritage Buildings and Precincts: Under 'Policy basis' reference to the Tyne Street and Watts Street Corner Precinct is added; the Tyne Street and Watts Street Corner Precinct statement of significance is inserted; Under 'Subdivision', the *City of Whitehorse Heritage Assessments 2010* is included as a reference document.

- Clause 22.03 Residential Development: Map 1 is amended to include 25 places in the minimal change area (3 places, 710, 738 and 781 Station Street remain in their current change categories). Reference to heritage being a unique characteristic of the City justifying application of the minimal change is intended to correct a policy anomaly.
- Clause 43.01 Heritage Overlay: Replaces the schedule to the HO so that the 27 places (excluding 4 Linsley Street, Box Hill currently covered by interim heritage control) are included and applying a number of specific controls in the HO schedule namely:
 - Tree and fence controls at 395 Middleborough Road (Box Hill Cemetery);
 - Tree controls at 74-108 Burwood Highway (Burwood Cemetery); and
 - Fence controls at 468 Mitcham Road.

Some additional changes arising since exhibition of C140 are proposed following the approval of Amendment C139 and C141, and preparation of revised citations by the Council's heritage consultant. Council has also sought to indicate that places covered by the Environment Significance Overlay (ESO) are justified for inclusion in minimal change areas. These matters are discussed as necessary in later sections.

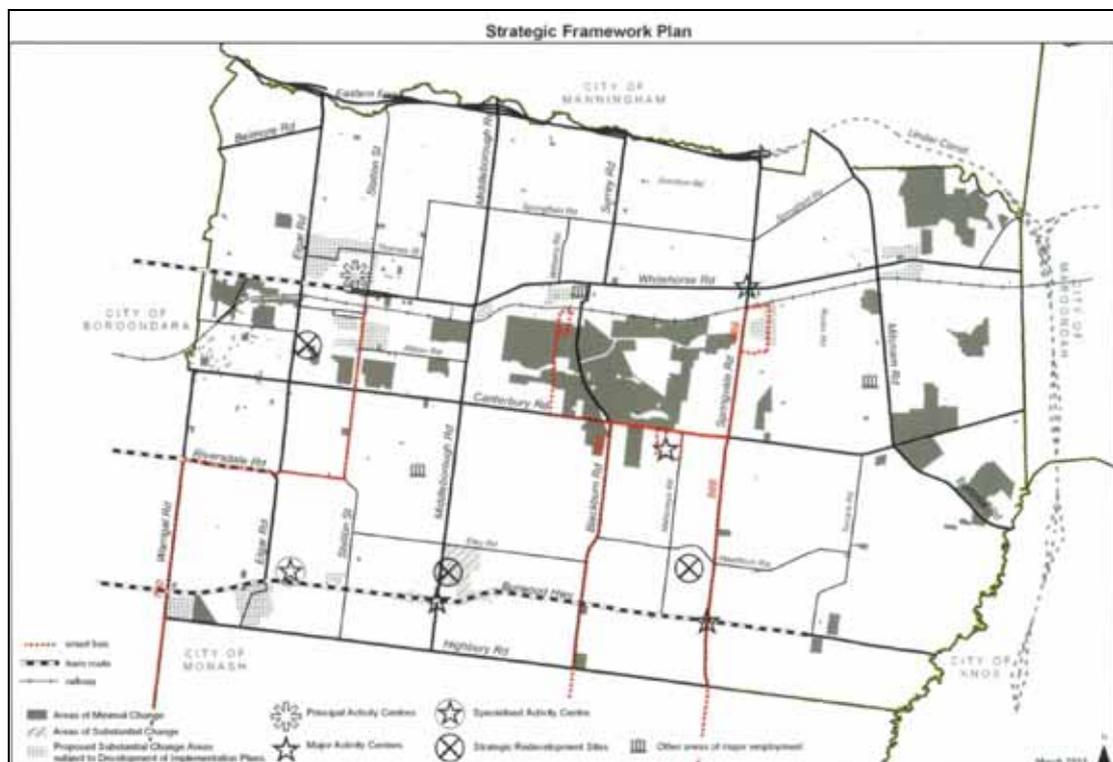


Figure 1 Strategic Framework Map (from Clause 21.04)

4. Planning context

This section of the Report considers the policy context for the Amendment and focuses on the strategic and policy issues. It assesses how the Amendment meets the objectives of the Planning Scheme. The following sections of this Report include a brief appraisal of the State Planning Policy Framework (SPPF), the Municipal Strategic Statement (MSS) and Local Planning Policy Framework (LPPF), and the appropriate zone and overlay controls.

Many planning policies are in some way applicable to the consideration of the Amendment. The submissions from Council set out the details of the relevant policies and the Panel notes that other submitters did not take issue with what was put forward in this regard. Accordingly, the Panel does not propose to set out the details of all the policies that may be relevant; rather, the Panel will refer to them as appropriate.

4.1 Policy framework

4.1.1 State Planning Policy Framework

Clause 10.02 – Goal of the SPPF provides the objective of planning relevant to the Amendments:

- (a) *To provide for the fair, orderly, economic and sustainable use, and development of land.*
- (d) *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.*
- (f) *To facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c), (d) and (e).*

Clause 10.04 calls for integrated decision-making and among other things requires that *“Planning Authorities and responsible authorities should endeavour to integrate the range of policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.”*

Clause 11 Settlement emphasises the need for planning to respond to the needs of existing and future communities. Clause 11.01.1 seeks a network of activity centres that:

- *comprise a range of centres that differ in size and function.*
- *Is a focus for business, shopping, working, leisure and community facilities.*
- *Provides different types of housing, including forms of higher density housing.*
- *Is connected by public transport and cycling networks.*
- *Maximises choices in services, employment, and social interaction.*

Further objectives for activity centres appear in the SPPF particularly Clause 11.02-2 Activity Centre Planning and Clause 11.04-2 Activity Centre Hierarchy.

Clause 15.01-2 Urban Design Principles seeks to *'achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties'*. More particularly relating to heritage development proposals: *'new development should respect, but not simply copy, historic precedents and create a worthy legacy for future generations'*.

Clause 15.01-5 Cultural Identity and Neighbourhood Character seeks to *'recognise and protect cultural identity, neighbourhood character and sense of place'*. This requires that development: *'responds to its context and reinforces special characteristics of local environment and place by emphasising ... the heritage values and built form that reflects community identity'*.

Clause 15.03 states that the Objective of Heritage conservation is *'To ensure the conservation of places of heritage significance'*.

The Strategies in this clause require that planning:

- *Provide for the conservation and enhancement of those places which are of aesthetic, archaeological, architectural, cultural, scientific or social significance or otherwise of special cultural value.*
- *Encourage appropriate development that respects places with identified heritage value and creates a worthy legacy for future generations.*
- *Retain those elements that contribute to the importance of the heritage place.*
- *Encourage the conservation and restoration of contributory elements.*
- *Ensure an appropriate setting and context for heritage places is maintained or enhanced.*

- *Support adaptive reuse of heritage buildings whose use has become redundant.*

4.1.2 Local Planning Policy Framework

Municipal Strategic Statement

A number of references are made in the MSS to the importance of historical places within the municipality, including the need to protect places of heritage significance. Clause 21.01 Municipal Profile notes that the municipality contains many places of historical significance that *'provide a snapshot into the City's past and trace the development of Whitehorse from its agricultural origins to the post-war housing boom'*.

Clause 21.05 Environment seeks to *'protect and enhance areas with special natural, environmental, cultural or historic significance for the future enjoyment of the community'*. Strategies include *'identifying those buildings, structures and features of historical significance within the municipality'*. Implementation is to be achieved through *'Applying a heritage overlay to buildings and structures ... identified in City of Whitehorse heritage reviews'*.

Clause 21.06 Housing, acknowledges that not all areas of the municipality are capable of accommodating increased dwelling numbers and lots. The Housing Strategy nominates areas of *Minimal, Natural and Substantial* change based on their intrinsic capacity and characteristics, with areas of heritage significance being appropriate for minimal change.

Local Planning policy

Clause 22.01 Heritage Buildings and Precincts objectives seek to:

- *'Preserve and maintain a range of buildings, features and precincts of historical and cultural significance in order to provide a snapshot of the City's origins and how it has developed over time'*.
- *'Retain the architectural diversity of buildings within the municipality with a focus on conserving and enhancing the integrity, cohesiveness and aesthetic value of individual heritage buildings'*.
- *'Ensure that new land use, development and buildings and works in and around properties subject to a Heritage Overlay, is sympathetic to their significance, character, scale, design, setbacks, form and colour scheme'*.
- *'Ensure all possible avenues are pursued to ensure the conservation of heritage sites and demolition is allowed only where there are extenuating circumstances'*.

- *‘Encourage conservation and other works...that assist in the restoration of original features and colour schemes of heritage buildings and precincts to enhance their character and contribution to neighbourhood character and the overall streetscape’.*

Clause 22.01 also provides a statement of significance for each of the precincts and lists the Heritage Reviews, relied on for inclusion of places in the HO, as reference documents. Referring to other heritage buildings the Policy indicates that *‘There will be buildings, structures and natural features not identified in the ... Heritage Overlay Schedule that have a high level of heritage significance’*. Heritage Reviews *‘do not identify every heritage place within the municipality. Council is, however, working hard to identify and protect other historical buildings, structures and features’*.

Clause 22.03 Residential Development builds on the MSS objectives for Housing and Environment. It seeks to maintain and enhancing the character of the City’s residential areas and protecting places of identified neighbourhood character and environmental significance while facilitating appropriate redevelopment in areas capable of accommodating growth.

Clause 22.06 Activity Centres applies to 327 Warrigal Road, Burwood, which is part of the Burwood Village Neighbourhood Activity Centre and is guided by the *Burwood Village Neighbourhood Activity Centre, Looking Towards the Future* 2008 report, listed as a reference document in the Clause. Area 1 which includes the Warrigal Road property *‘should retain its role as the edge of the retail core of the Burwood Village NAC by catering for a variety of retail, food and service industry uses along ground floor frontages’*.

Clause 22.07 Box Hill Central Activities District, is currently covered by an interim policy to January 2013. Three properties in Station Street, Box Hill in the Amendment are located within the Box Hill CAA Study Area (as defined by the *Box Hill Transit City Activity Centre Structure Plan*) refer Figure 3 at Section 6.6 below. The Structure Plan seeks to preserve heritage features within the CAA and indicates that *‘Although substantial redevelopment in the Activity Centre is expected, and encouraged, it is important to maintain a sense of continuity with its history’*. *It is also desirable to retain diversity in architectural character rather than creating a uniform and bland environment. It is also usually more effective to retain and build upon character rather than applying a contrived character to replace that, which has been lost. The cultural significance of heritage buildings and landscapes should be protected and used as an integral part of a newly-developing sense of place’*.

Clause 22.08 Tally Ho Activity Centre is also covered by an interim policy to January 2013. One property within the Tally Ho Major Activity Centre, namely the East Burwood Hall at 310 Burwood Highway in the ‘East

Burwood Reserve' is proposed to be included in the Heritage Overlay in the Amendment. The Activity Centre is guided by its reference document, the *Tally Ho Urban Design Framework 2007* (UDF). It is envisaged that the Hall will undergo consolidation of building use and sharing of facilities but no direction for future built form is offered.

4.2 Planning scheme provisions

4.2.1 Zones

Zoning provisions are not relevant to the Amendment.

4.2.2 Overlays

The Amendment proposes to apply the Heritage Overlay, Clause 43.01 of the VPPs, over the places of heritage significance.

The Heritage Overlay does not change the zoning of the land. Rather, the HO identifies special considerations that apply to applications to develop the land.

The imposition of the Heritage Overlay means that a planning permit will be required (subject to specified exemptions) for:

- Subdivision or consolidation of land;
- Demolition or removal of identified buildings;
- Construction of a building;
- External alterations to a building by structural work, rendering, sandblasting or in any other way;
- Construction of or carrying out of works;
- Construction or display of a sign;
- External painting of an unpainted surface if the Schedule to the Overlay identifies the place as one where paint controls apply;
- Externally paint a building if the painting constitutes an advertisement;
- Internally alter a building if the Schedule to this Overlay identifies the heritage place as one where internal alteration controls apply;
- Remove, destroy, prune or lop a tree if the Schedule to this Overlay identifies the heritage place as one where tree controls apply.

In considering such applications, matters for consideration as outlined in Clause 43.01-5 will include:

- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*

- *The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.*
- *Any applicable statement of significance, heritage study and any applicable conservation policy.*
- *Whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place.*
- *Whether the location, bulk, form and appearance of the proposed building is in keeping with the character and appearance of adjacent buildings and the heritage place.*
- *Whether the demolition, removal or external alteration will adversely affect the significance of the heritage place.*
- *Whether the proposed works will adversely affect the significance, character or appearance of the heritage place.*
- *Whether the proposed subdivision will adversely affect the significance of the heritage place.*
- *Whether the proposed subdivision may result in development which will adversely affect the significance, character or appearance of the heritage place.*
- *Whether the proposed sign will adversely affect the significance, character or appearance of the heritage place;*
- *Whether the pruning, lopping or development will adversely affect the health, appearance or significance of the tree.*

The Heritage Overlay controls do not impact on routine maintenance, or internal works or renovations and specifically, the following minor works do not require a permit:

- Repairs or routine maintenance, which does not change the appearance of a heritage place. The repairs must be undertaken to the same details, specifications and materials;
- Anything done in accordance with an incorporated plan specified in a schedule to this overlay.

4.2.3 Particular provisions

There are no particular provisions of the VPPs that are relevant to the Amendment.

4.2.4 General provisions

There are no general provisions of the VPPs that are relevant to the Amendment.

4.3 Other planning strategies and guidelines

4.3.1 City of Whitehorse Guidelines for Individually Listed Buildings

Council has comprehensive Heritage Guidelines to assist owners of dwellings individually listed in the Heritage Overlay. These guidelines are readily accessible online and seek to ensure that alterations and additions to properties respect the character, heritage significance and appearance of houses, streetscapes and areas. Council also provides two free heritage services namely: the Heritage Advisory Service, to guide any restoration or application process; and the Heritage Assistance Fund. This fund is available to assist owners with projects such as roofing and guttering repairs and timber repair. Reinstatement of lost features on heritage places such as verandahs or fences may also receive financial support.

4.3.2 Local Government Heritage Guidelines

The SPPF requires planning authorities to *'have regard to Local Government Heritage Guidelines (Department of Planning and Housing 1991) when preparing planning schemes or amendments to assist the conservation and enhancement of places, sites and objects of non-Aboriginal cultural heritage value'*. These Guidelines refer to the Burra Charter criteria for establishing cultural significance, and provide definitions of 'local' and 'state' significance. The current Amendment is consistent with the Guidelines.

4.4 Panel comment on planning context

The Panel is satisfied that generally the proposed Amendment is consistent with the policy and statutory planning context described above subject to the limited comments in relation to a small number of the sites discussed in the following parts of the report. The Amendment continues the process of heritage assessment and includes a number of individual properties and one precinct, identified as having clear potential heritage significance.

The Panel found ample strategic support for the listing of the sites and the historical research to be competent. Analysis provided in relation to nominated sites is considered relevant and generally very good. The comprehensive nature of the heritage investigations and consultation process undertaken by Council and the consultants may explain why only 19 submissions were received in response to the public exhibition of the Amendment. As noted in Table 1 of Section 2.2 above, eight submissions that raised heritage objections were subject of Panel hearings.

5. Identification of issues

5.1 Summary of issues

Issues raised in submissions

The key issues raised in the submissions of the various parties are briefly summarised as follows:

Planning Authority:

The key issues for the Council were:

- Identification and definition of Heritage places;
- Contextual and policy basis for the amendment;
- The importance of Heritage and Design Guidelines and advisory services;
- Social effects;
- Economic effects;
- Environmental effects; and
- Townscape.

Individual Submitters

The key issues by submitters were:

- Heritage interpretation/ assessment of significance;
- The significance attributed to individual places;
- The content of the local planning policies;
- Ability to conduct routine maintenance and repairs on individual properties included on the Heritage Overlay;
- Financial implications/ cost of maintenance/ poor condition of buildings;
- Reducing residents' right to develop their properties; and
- Negative impacts on property values.

Council's submissions to the Panel, in addition to making comment on specific sites included the following general comments on these issues:

Condition of Property

Whilst the age of heritage properties can lend them to suffer from poor condition, this is not a relevant determination in applying the HO. Rather, the consideration before the Panel is whether the property holds

heritage significance. Structural factors are considered during the planning permit application stage.

Council also noted that at the Advisory Committee in the *Review of the Heritage Overlay Provisions in Planning Scheme 2007*, commented as follows:

.' structural integrity or condition should not be a criterion in assessing heritage significance. It would be contrary to the fundamental principle in the Burra Charter ... the consideration of significance should not be coloured by consideration of the management consequences of listing. There are also good policy reasons why condition should not affect the assessment of criteria; if it were to be a factor, it would encourage owners of heritage properties who were opposed to listing allow them to fall into disrepair' (page 2-46).

Residents right to develop – Development Restrictions

The intention of the HO is not to prohibit all development and there is no policy direction in either Clause 22.01 or Clause 43.01 that seeks to stop further development of heritage places. Rather, the HO triggers planning permit requirements for most buildings and works to facilitate new development, which does not detract from the heritage significance in accordance with Clause 22.01.

To guide applications in the HO, Council employs the policy provisions of Clause 22.01 and 43.01. Council also refers to the City of Whitehorse Guidelines for Individually Listed Buildings, which were prepared by Council's Heritage Advisor and are used to assess applications for individually listed places (although the document is not included as a reference document in the Scheme).

Although not specifically raised through the submissions, it is important to highlight that protection of heritage places – particularly in activity centres – is consistently supported by Panels, as indicated in the Panel Report regarding Glen Eira Amendment C83 which noted the following:

"The protection of heritage values remains a valid planning consideration in planning decisions. It could even be argued that heritage places make a particularly important contribution to the urban fabric in areas undergoing significant change" (page 14)

Financial burden

Devaluation of heritage properties is repeatedly a contentious issue in applying the HO. Panels have traditionally taken the following approach in relation to financial hardship (Stonnington L47 (D), 2000):

'we have chosen not to take into account any issues of property owners' hardship. We accept that hardship, as it may financially

affect the owners of properties of heritage significance ...may be a relevant consideration in a future decision as to whether to allow alterations to, or demolition of, a heritage building. However, that decision is one to be made at the relevant point in time' (page 44)

Council acknowledges that maintenance of the HO can impose some additional costs on owners. In recognition of this, Council provides two, free, heritage services: Heritage advisory services; and the Heritage assistance fund.

Heritage advisory services are available to all members of the community to guide any restoration or application process. The annual heritage assistance fund provides financial awards to owners opting to undertake repair and maintenance works. The money is provided outright to owners upon completion of approved works, contrasting to other municipalities where money is limited to loans. The two services assist to reduce HO-related costs on owners/occupiers.

Assessment of Significance – Extent of the Heritage Overlay

The Practice Note Applying the Heritage Overlay refers to Clause 43.01 – Scope, noting that the HO applies to both the listed heritage item and its associated land. More specifically, the HO practice note states that:

“It is usually important to include land surrounding a building, structure, tree or feature of importance to ensure that any new development does not adversely affect the setting or context of the significant feature. In most situations the extent of the control will be the whole property.”

This allows Council to regulate the development surrounding the property to ensure it does not impact on the significance of the heritage fabric. Consequently, application of the HO polygons generally aligns with property boundaries.

In instances where the setting required to effectively protect the heritage place does not align with the property boundaries, the heritage place is clearly defined in the HO schedule and the HO extent is shown in the mapping.

The Panel supports Council's responses to these issues, for which there are many precedents.

5.2 Issues from the Strategic Assessment Guidelines

The purpose of the Strategic Assessment Guidelines is to provide a consistent framework for the evaluation of a proposed planning scheme amendment and the outcomes it produces.

The Guidelines require the Panel to consider:

- Why is an amendment required?
- Does the amendment implement the objectives of planning and any environmental, social and economic effects?
- Does the amendment comply with all the relevant Minister's Directions?
- Does the amendment support or implement the SPPF?
- Does the amendment support or implement the LPPF?
- Does the amendment make proper use of the VPP?
- How does the amendment address the views of any relevant agency?
- Is the amendment likely to have a significant impact on the transport system, as defined by section 3 of the *Transport Integration Act 2010*?
- Are there any applicable statements of policy principles prepared under section 22 of the *Transport Integration Act 2010*?
- What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?

The Panel has considered the response to the Minister's *Strategic Assessment Guidelines* included in the exhibited Explanatory Report for the Amendment, together with Section 5 of Council's submission to the Panel. Having considered this aspect of Council's submission, the Panel concludes that the amendment complies with the requirements of the *Strategic Assessment Guidelines*.

Ministerial Directions

The Minister has made a direction under Section 12(2)(a) that contains the following requirement:

Direction No 9 Metropolitan Strategy

In preparing a planning scheme amendment a planning authority must:

- *Have regard to the Metropolitan Strategy.*
- *Include in the explanatory report discussion of how the amendment addresses the following matters:*
 - *What aspects, if any, of the Metropolitan Strategy are relevant?*
 - *How does the Metropolitan Strategy affect the amendment?*

- *Is the amendment consistent with any directions and policies in the Metropolitan Strategy?*
- *Does the amendment support, give effect to or assist the implementation of the Metropolitan Strategy or can it be reasonably modified to do so?*
- *Will the amendment compromise the implementation of the Metropolitan Strategy?*

The relevant parts of *Melbourne 2030* are:

- Direction 1 'A more compact city' and its Policy 1.1 'build up activity centres as a focus for high quality development, activity and living for the whole community'; and
- Direction 5 'A better place to be' and its Policy 5.4 'Protect heritage places and values'.

The Panel is of the view that the Amendment is consistent with Melbourne 2030, which identifies heritage places and ensures their protection in the Planning Scheme. The Amendments will implement the metropolitan policy at the local level.

Compliance with Practice Notes

The following Practice Note is relevant to the consideration of this Amendment:

- Applying the Heritage Overlay

The amendments and the supporting information (ie the citations) meet the requirements of this Practice Note, specifically:

- The precincts have been fully documented to substantiate their heritage significance.
- The identification process for the precincts has been rigorous.
- Recognised criteria have been used, being those adopted by the BURRA Charter.
- The amendments have been drafted in accordance with the requirements of the Practice Note.
- Places listed and mapped have been drafted in accordance with the Practice Note.

5.3 Conditions imposed as part of the authorisation of the Amendment

The Minister's Authorisation (A01900 of February 2011) for exhibition of the Amendment was conditional on three sites in Station Street within the Box Hill Central Activities District being excluded from the minimal change area. It is noted that subsequently terminology for CADs has been changed to Central Activity Areas (CAAs) to accord with current practice.

The Minister required that *'reference be removed from the changes to the Strategic Framework Plan map at Clause 21.04 and the Categories of Change map at Clause 22.03 that include properties within the boundary of the Box Hill Central Activities District, as defined by the study area in the Box Hill Transit City Activity Centre Structure Plan, June 2007'*. By way of explanation the Minister indicated that: *'While heritage is important to all areas of Melbourne, including Central Activities Districts it is not considered appropriate to restrict development further by designating additional minimal change areas within the Box Hill CAD'*.

Council Submission

Council requested the Panel's direction on the implications of the condition and the inconsistencies created within Clause 22.03 of the Scheme LPPF referring to 'Areas of Change' in residential zoned areas (refer to Section 6.6)

5.4 Form and content

The Minister has made a direction under Section 7(5) in relation to the form and content of planning schemes that specifies:

- the format of the planning scheme,
- the need to write in plain English,
- the inclusion of schedules,
- the use of maps,
- the listing of certain uses in Section 1 of zones,
- the use a of the Special use Zone for extractive industry,
- that a planning scheme may only include land in a Public Use Zone, a Public Park and Recreation Zone or a Public Conservation and Resource Zone if the land is Crown land, or is owned by, vested in or controlled by a Minister, government department, public authority or municipal council,
- requirements relating to the City Link Project Overlay,
- that if a planning scheme includes land in an Airport Environs Overlay, the planning scheme must include a specified schedule,

- that a road which is declared as a freeway or an arterial road under the *Road Management Act 2004* must be shown as a Road Zone - Category 1 on the planning scheme maps.

In addition *Using Victoria's Planning System, Chapter 9: Plain English* provides advice on form and content as do the following practice notes:

- Writing schedules,
- Using maps in planning schemes,
- Applying the Public Land Zones,
- Writing a local planning policy,
- Format of Municipal Strategic Statements,
- Incorporated and reference documents.

The Amendment complies with this direction.

5.5 Approach adopted by the Panel

The Panel notes that the management of heritage places is a two stage planning process. Firstly the objective identification of heritage significance (the current stage); and secondly the ongoing management of the place having regard to such matters such as the economics of building, retention and repair, reasonable current day use requirements etc as part of the consideration of an application for development.

This approach to the management of heritage places has been adopted in practice by planning panels and by the Victorian Civil and Administrative Tribunal. The comments by the panel considering the Ballarat Planning Scheme Amendment C58 are often referred:

At page 53 of their report the Panel said:

Panels have consistently held that whenever there may be competing objectives relating to heritage and other matters, the time to resolve them is not when the Heritage Overlay is applied but when a decision must be made under the Heritage Overlay or some other planning scheme provision. The only issue of relevance in deciding whether to apply the Heritage Overlay is whether the place has heritage significance.

It is also the Panel view that, to the extent that the Act looks to a local planning authority to establish significance or interest:

- it is sufficient that a place has interest only to the municipality, that is, it is not required for it to be assessed as of interest in the context of a regional or State-wide comparison; as comparative architecture; or as a contributor to an external thematic history;

- it is incumbent on the Council to rigorously and reliably establish that 'interest' - to demonstrate its clear understanding of the contribution an item may make to the heritage of the municipality.

5.6 Issues dealt with in this Report

The Panel has considered all written submissions, as well as submissions presented during the Hearing. In addressing the issues raised in those submissions, the Panel has been assisted by the information provided to it as well as its own observations at inspections of the precinct and specific sites where appropriate.

This Report reviews the matters raised by submitters under the following headings:

- Description (ie Location and Nature of the place)
- Significance (extract from the adopted Statement of Significance)
- Submissions
- Council response
- Panel Finding (comment and conclusions)
- Recommendations

The Panel has also examined and commented on issues raised in the general and supporting submission to the Amendment. The Panel has reviewed, commented and made recommendations in reference to three places in the Amendment to which Council received no submissions.

In addition, the Panel has addressed the policy issue raised by Council relating to the Ministers Authorisation direction.

6. Consideration of issues

6.1 Consideration of referred submissions

As previously outlined, the proposed format for consideration of individual submissions is in the following order: Site description, Significance; Summary of the submission and Council response; followed by Panel findings and recommendation.

Because the submissions relating to places considered in Section 6.2 below objected on heritage grounds, Council presented evidence from Ms Helen Lardner (Council Heritage consultant) during the hearing. Council's response includes Ms Lardner's evidence as well as additional comments included in Council's written submissions to the Panel.

The Statements of Significance quoted in this report are taken from the 'updated' versions prepared by Ms Lardner in response to further consultations, inspections and new information raised in submissions.

6.2 Criteria and thresholds adopted for the Heritage Overlay

Ms Lardner identified the following criteria used as the basis for assessing cultural heritage significance in the Amendment:

- A Importance to the course, or pattern, of the local area's cultural or natural history.*
- B Possession of uncommon, rare or endangered aspects of the local area's cultural history.*
- C Potential to yield information that will contribute to an understanding of the local area's cultural history*
- D Importance in demonstrating the principal characteristics of a class of cultural places or objects*
- E Importance in exhibiting particular aesthetic characteristics*
- F Importance in demonstrating a high degree of creative or technical achievement at a particular period*
- G Strong or special association with a particular community or cultural group for social, cultural or spiritual reasons. This includes the significance of a place to Indigenous peoples as part of their continuing and developing cultural tradition*

H Special association with the life or works of a person, or group of persons, of importance in the local area's history.

In reference to thresholds, Ms Lardner stated that *'places which meet one or more criteria will be recommended for inclusion in the Heritage Overlay if they meet the threshold for listing as 'importance or significance to the local community'*. The Commonwealth Environment Protection and Heritage Council guidelines also refer to thresholds at different levels and, in the context of significance of a local area, indicate *'they contribute to the individuality and streetscape, townscape, landscape or natural character of an area and are matters controlled by local government. They often reflect the socio-economic or natural history of a local area.'*

Ms Lardner also noted that *'while there are minor wording differences in the criteria between the Commonwealth, States and Territories, all jurisdictions are working towards standardisation'* of heritage criteria. One or more of these criteria might apply to a place for inclusion in the Heritage Overlay.

Panel comment on Criteria and Thresholds

The Panel notes that for places to be included in the HO they must satisfy one or more of the criteria A - H for significance at the local level. Use of these assessment criteria was not challenged by any of the submitters or expert witnesses.

Much built heritage and local identity may be at risk if local significance, as is maintained by some submitters, is limited to landmarks, outstanding designs and/or the work of notable architects. Similarly, while integrity and intactness are important considerations, places need not be highly intact to be assessed as significant at the local level.

Associations with people and events also provide a basis for assessment of a place as *"important or significant for a local community"*, particularly relating to its historic value. The Burra Charter¹ defines cultural significance broadly to include *"aesthetic, historic, scientific, social or spiritual value for past present and future generations"* and indicates that: *"Cultural significance is embodied in the place itself, its fabric, setting, use associations, meanings, records, related places and related objects"*.

However it is generally accepted that places are likely to be assessed as of greater value where the evidence of the association or event survives in situ, or the settings are substantially intact, rather than where substantial change has occurred or where the evidence no longer exists.

¹ The Australia ICOMOS Charter for Places of Cultural Significance 1999 Article 1.2

6.3 Consideration of individual places

6.3.1 Submissions 11 and 12 - 4 Linsley Street (HO218) and 1050-1040 Whitehorse Road, Box Hill (HO229)

Description

The buildings at 4 Linsley Street, south of the Box Hill Fire Station, comprise a single storey Girl Guide Hall. The front portion (c.1954) which replaced an earlier building (c.1914) was destroyed by fire in 2010. The surviving rear wing (c.1922) has a gabled corrugated iron roof, brick and weatherboard dado walls with, formerly, asbestos sheet cladding above. Following the fire, the sheet cladding was removed from the Hall.

The Box Hill Fire Station is located at 1050-1040 Whitehorse Road on the southeast corner of Linsley Street. The building on the Whitehorse Road frontage is double storey cream brick in moderne interwar style. Recent extensions have substantially enlarged and modernised the rear portion of the Fire Station, which is now accessed from Linsley Street.

Significance

The Girl Guide Hall:

The property at 4 Linsley Street, Box Hill is of historical significance as a site used by the Horton Girls School from 1922 until 1946 when the school closed down. The site also has historical significance for its continuous use by the Box Hill Girl Guides since their establishment in 1931 until 2010. The Girl Guides originally leased the two back rooms behind Wattle Hall (now demolished) and later purchased the building, adding a new front section when Wattle Hall was demolished in 1946. It reflects the early establishment of the Box Hill Girl Guides in the City of Whitehorse (Criterion A).

The site, which formerly contained an earlier hall used by the Horton Girls School and the Wattle Club, has the potential to yield archaeological information that will contribute to the understanding of the site's use as a school (Criterion C).

The building is of aesthetic importance for its ability to demonstrate key attributes of a facility used by a local Girl Guide group (Criterion D). The building has aesthetic significance as a substantially intact example of a community hall from the 1920s. Despite the damage to the 1954 wing as a result of the 2010 fire; the c1922 section of the building is considered to be more significant and remains substantially intact (Criterion E).

Box Hill Fire Station:

The Box Hill Fire Station is of historical significance to the City of Whitehorse as an important civic building within the Box Hill Centre. In 1935, it replaced the earlier Box Hill Fire station which was located in Watts Street and demonstrates the continuing importance of the Whitehorse Road and Station Street area as the centre for civic activities (Criterion A).

The property is of historical significance as it demonstrates changing fire station design which responded to the implementation of new technology and facilities. The design of the fire station buildings reflects the change from horse-drawn carts and primitive fire equipment to motorised vehicles. The Box Hill Fire Station also demonstrates another design change which involved the inclusion of residential premises on fire station sites. This reflected the approach taken by the MFB in the early 20th Century. It is important as a public building that demonstrates the principal characteristics of metropolitan fire stations from the 1930s era (Criterion D).

The Box Hill Fire Station is of aesthetic significance for its transitional style demonstrating attributes of the domestic revival style used by the MFB in the 1920s and the streamlined moderne style used in the 1930s. The pitched tile domestic style roofs are more typical of the 1920s style buildings while the use of cream brick and the curved garage bay to the front of the building are more characteristic of the style of buildings developed in the early 1930s. In this regard, the building is also of historical significance for its demonstration of the shift between the conservative domestic style and the modernist industrial period for fire station design in Victoria. Box Hill Fire Station is one of the earliest examples of cream brick fire stations, which marked the move away from the use of the traditional red brick (Criteria B & E).

Submission (Girl Guides & Metropolitan Fire Brigade)

In the submission to the exhibition of the Amendment, Ms Lewis of Girl Guides Victoria, stated that the repair of the Hall building, based on usage, was unaffordable. While *“mindful of the significance of the site...Guiding is however more than bricks and mortar it is about providing opportunities for girls and young women to develop practical skills and to build self confidence, resilience and community awareness.”* The submission concluded *“we do not believe that this Hall provides a reflection of the contribution that Guiding has made (and continues to make) in the community.”*

The MFB per the Planning Group Australia, acknowledged the local heritage significance of the Box Hill Fire Station because of its historical and aesthetic

values. However, the fire station has an important operational function in the area and the opportunities for upgrades and expansion should not be restricted by the application of the HO including possible expansion over the adjacent Guide property.

At the hearing Ms Brice submitted that the application of the HO to the Hall site was without value or merit. Ms Brice called Anita Brady of Lovell Chen to give expert evidence. Ms Brady stated:

“The long occupation and use of the building by the Guides is however acknowledged, as is the fact that they constructed the (now damaged) 1950s component. The Guides’ use was not however always exclusive – they shared the building with other groups in the 1930s and 1940s; Horton Girls School was also still associated with the property until 1946.”

“The 1920s wing was not built by the Girl Guides, and hence is not a purpose-built Guide Hall. The ‘key attributes’ of the building, in relation to the Girl Guides use, are therefore assumed to relate to the adaptation of the building to Guide use including the addition of the 1950s wing. The building is overall of utilitarian character, and of a simple design and form.”

“While the subject property and building components have some heritage interest due to the 1920s date of construction of the earlier wing, and the long period of use as a Girl Guides Hall, the building is nevertheless of undistinguished character, and lacking intactness. Given the limited aesthetic/architectural value of the building, the historical associations and use should be of a much higher order to justify application of an individual heritage control, the effect of which is to protect fabric of heritage significance.”

Mr Davies of the MFB, noted the strategic importance of the fire station and was concerned that the HO should not compromise the upgrade/expansion of the station.

Ms Brice submitted that the MFB do not contest the heritage significance of the original fire station building and intend to retain it as part of any future upgrade. The application of the HO should be limited to the original 1935 building and a revised citation should be prepared to distinguish between the various elements on the site.

Council Response

Ms Egan for Council noted that the MFB submission was largely concerned with development constraints arising under the HO, which may restrict the Fire Station’s operation and particularly occupational health and safety

requirements. Council referred to Clause 62.02.1-1 of the *Particular Provisions* in the Planning Scheme stating that it: *“unconditionally exempts buildings or works which are a modification necessary to comply with a direction under ... the Occupational Health and Safety Act 2004 ... from requiring a planning permit. In this way, the HO will not restrict the operation of the Fire Station.”* Ms Egan indicated that Council would support revision of the Statement of Significance to clarify that the 1935 building is the significant place.

Council also stated that the HO would not prohibit expansion opportunities for the MFB over its present site and/or 4 Linsley Street but *“would require a planning permit to ensure that development occurs sensitively to the heritage significance.”*

Ms Egan considered that 4 Linsley Street represented a tangible reminder of a different era and pattern of development. It also showed unique aspects of early development in Whitehorse. Social history is underplayed and interpretation can engage thought on why a building remains – this was particularly so at the Guides property.

Ms Lardner in her evidence noted the Guides submission that their significance to the City of Whitehorse was in their programs rather than the subject site and the utility of the remaining building. *“Girl Guides Victoria would like to sell the site as it is unviable to restore and would supply a plaque to commemorate its history. However, this view doesn’t consider that the more significant part of the site has very little damage from the fire and that a commemorative plaque is not the same as keeping a significant place.”* *“It is important to separate out the assessment of significance which is acknowledged by inclusion in the Heritage Overlay with decisions about future works to a site which may be the subject of permit applications.”*

A revised citation (September 2011) makes minor additions to reflect further information from the Council property files and to emphasise that the fire damaged the less significant part of the property.

Panel Findings

The Panel notes that the remaining 1922 component of the Guide Hall, despite the removal of the asbestos cladding, is substantially intact in terms of its overall original form. The 1954 hall, which replaced the original 1915 hall, was the Guides contribution in terms of building fabric to the site. This building is now a ruin and the 1922 remnant hall will require substantial expenditure if it is to be returned to useful occupation. While the issues confronting the Guides, in seeking best use of its resources are appreciated, this is secondary to the question for the Panel namely whether the place has sufficient local heritage significance to warrant application of the HO.

It is doubtful whether the remaining part of the hall complex, described as utilitarian in character, and of a simple design and form, is sufficient to demonstrate the history of the site including use by the Guides, Horton Girls School or the Wattle Club in the past and thus its local heritage significance. While appreciating the social historical significance of the site, the Panel preferred the evidence of Ms Brady that the building is of limited aesthetic/architectural value, and the historical associations and use should be of a higher order to justify application of the HO. It was the Panel's view that the threshold for Criteria A and E had not been met. The Panel is also inclined to question the likelihood that significant archaeological material exists on this site, relevant to the Horton Girls School and the Wattle Club.

The 1935 portion of the Box Hill Fire Station is acknowledged to be of local historical and aesthetic significance. However, the request that the HO be limited to the northern part of the site covering the 1935 fire station complex would not accord to the general principal of the Planning Practice Note – Applying the Heritage Overlay, which indicates that except in exceptional cases, the whole of a property should be included in the HO as follows: *“It is usually important to include land surrounding a building, structure, tree or feature of importance to ensure that any new development does not adversely affect the setting or context of the significant feature. In most situations the extent of the control will be the whole property”*.

The Statement of Significance and the Schedule to the HO should however, be written to clearly focus on the 1935 building.

Recommendations

The Panel recommends:

The surviving portion of the former Guide Hall at 4 Linsley Street, Box Hill does not meet the threshold for historical and/or aesthetic significance, and the property not be included in HO.

The whole of the property at 1050-1040 Whitehorse Road be included in the HO and the citation and the Schedule to the HO be amended to identify only the 1935 portion of the Box Hill Fire Station which meets benchmarks for historical and aesthetic significance (Criteria A and E) for the City of Whitehorse.

6.3.2 Submission 16 - 60 Shannon Street, Box Hill North (HO220)

Description

The house at 60 Shannon Street, Box Hill North, on the northeast corner of Simmons Street, was built in 1913 and is single storey weatherboard with gabled corrugated iron roof. A number of additions have been made to the original house. A gable roofed garage or shed is located on the western side of the allotment north of the house.

Significance

The property at 60 Shannon Street is of historical significance as a remnant example of an orchard related farmhouse in the Box Hill North area. It is one of the few surviving properties which provide evidence of the establishment and development of orchard farming in the area from the early part of the twentieth century. The property is of historical significance for demonstrating the changing nature of Box Hill North from large orchard holdings to suburban lots (Criteria A & B).

The dwelling and outbuilding at 60 Shannon Street, Box Hill North provides a tangible link to the former orchard area and demonstrates the type of buildings associated with orchard farming. Although the residence has been altered, it still demonstrates key attributes of a modest Edwardian style farmhouse including the combination of hips and gable roof forms and the verandah with a timber frieze (Criterion D & E).

Submission (Con Sarrou)

Mr Sarrou stated that the house, when purchased in 2003 was neglected, having been unoccupied for a number of years. Overhanging trees had damaged sections of the roof and verandah. A number of alterations and additions had been made to the house and that less than half the original walls remained evident. It is "not a remarkable example of an Edwardian house." "There are ample examples of similar houses in the eastern suburbs that are in original or near original condition, which better reflect this type of architecture" Further the introduction of the HO would impose a financial and emotional burden.

The exhibited citation contained errors by describing the shed on the property as possibly being horse stables and an underground tank as a well. Council appeared to be seeking to strengthen the significance of the property by inclusion of reference to these structures in the citation. Although the

original property was 4 acres in extent, it is doubtful whether it was ever an orchard, the 1945 aerial photographs tabled by Mr Sarrou are unclear. Mr Sarrou noted that his property and the two adjacent allotments had originally been on one title. A 9 bedroom house being erected to the north and a double storey house to the east effectively dwarf his property. Both of these houses are on land formerly used as a rose nursery.

Council Response

Financial impact and owners hardship relating to properties assessed as of heritage significance is a contentious issue in applying the HO. Panels have traditionally taken the approach that such considerations *“may be relevant in a future decision as to whether to allow alterations to, or demolition of, a heritage building. However, that decision is one to be made at the relevant point in time”*²

Council acknowledged that the HO may impose some additional costs on owners and in recognition of this, Council offers free heritage services.

Ms Lardner in her evidence stated that a site visit was undertaken with the owners of this property which revealed that the outbuilding, although from a similar period to the house, were not of sufficient merit to be identified as culturally significant for the HO. Additional information was included in the updated citation. *“Modest dwellings, such as this example, may be of historical and aesthetic significance”*. *“The citation describes changes that have been made, especially additions to the rear and the west, as well as changes to windows, services and infill to part of the verandah. However it is considered that these alterations are generally minor, can be understood as later changes and don’t substantially detract from the significance of the 1913 dwelling”*.

Panel Findings

While there is some doubt whether the property was an orchard, this is not a major consideration in the assessment of its heritage significance. The Panel accepts evidence that the property was used for farming and the surrounding locality was committed to orchards into the mid part of the 20th Century. However, the setting and context have been largely lost to subdivision and the house itself overshadowed by adjacent recent housing development. In consequence, it is difficult to read into the remaining fabric of the property a demonstration of *“the changing nature of Box Hill North from large orchard holdings to suburban lots”*. It was the Panel’s view that the property did not meet the benchmarks for Criteria A or B.

² Stonnington Amendment L47 Panel Report 2000

The Panel has viewed the property from the adjacent streets and noted that it has been subject to a number of alterations and additions that affect its integrity although, as noted above, places need not be highly intact to be assessed as significant at the local level. While the Panel agrees with Ms Lardner that the house is an early 1900s Edwardian style farmhouse, it is at best a modest example, identifiable mainly from its combination of hips and gable roof forms and is not significant in exhibiting important aesthetic characteristics and does not meet benchmarks for Criteria D and E. Council has accepted that the outbuildings and the underground tank on the property are not of heritage significance.

Recommendation

The Panel recommends:

60 Shannon Street, Box Hill North is not of sufficient significance to warrant heritage protection and that the property not be included in the HO.

6.3.3 Submissions 5 & 9 - 115 Shannon Street, Box Hill North (HO221)

Description

115 Shannon Street, Box Hill North is located on the south side of Shannon Street, 90 metres west of Grenville Street. The house is Federation styled, single storey, double fronted, seven room weatherboard dwelling. Its main feature being a corner posted return verandah reflecting the main frontage of the house which faces west toward Elgar Road. It was built in 1904 or 1905. Since 1980 the property has been used as the 'Rose Paradise' nursery.

Significance

The property at 115 Shannon Street is of historical significance as a former orchard property in the Box Hill North area that developed as part of the Melbourne land boom that generated sales of land in the Box Hill area. It is one of the few surviving properties which provide evidence of the establishment and development of orcharding in the area. The location and outlook of the house indicates it was once part of a much larger property and some early plantings remain demonstrating the orchard use (Criteria A & B).

The property at 115 Shannon Street is of aesthetic significance as an example of a Federation styled farm house in the Box Hill area of the City of Whitehorse (Criterion E).

The property is of historic significance for its association with the Hagenauer family. Frederick August Hagenauer was involved in his father's missionary work with indigenous communities, and Frederick continued the religious vocation representing a church in East Melbourne. The adjacent Hagenauer's Reserve was originally part of the property and is named after the family from whom the Reserve land was purchased by Council in 1946 (Criterion H).

Submission (Falk Hannemann (9) & W Geraeds (5))

Mr Hannemann indicated that he purchased the house at 115 Shannon Street in 1980 with the intention of restoration. He later found the cost of necessary work to be excessive. He regards the house as beyond repair and no longer habitable. The original garden no longer exists, and is being used as a nursery in conjunction with the neighbouring property at 109 Shannon Street.

W Geraeds (a neighbour) regards the house as an eyesore and believes it to be termite infested. Although built in the early 1900s later extensions were of different character and materials. Redevelopment of the property for housing units would benefit values in the area and Council would receive increased rates.

Council Response

Mr Hannemann and his neighbour considered the site to be appropriate for high density development. These are matters, among others, that are considered during the permit application stage, and not during the current process involving assessment of heritage significance. Council noted that the application of the HO would not prevent opportunities for increased housing densities on this site, provided redevelopment is sympathetic to its heritage significance.

Ms Lardner stated in evidence that the site visit confirmed that the building is in a poor state, with little or no maintenance occurring to it for many years. It was nevertheless, recommended that the property be included in the HO. Minor additions were made to the citation following information supplied by Mr Hannemann and property files in the City of Whitehorse.

Panel Findings

The Panel inspected the property from Shannon Street and noted that despite serious dilapidation the house remains reasonably intact. The property gains historical importance from its association with the Hagenauer family from the 1920s. From the evidence of Mr Hannemann, presented at the hearing that he purchased the property from a member of the Hagenauer family, it

appears that it was in the family ownership for some 60 years, reinforcing its historical significance and the family's long association with the place.

Although the property originally comprised a substantial 4 ha (10 acre) holding, with a frontage to Elgar Road, the property has been reduced by later subdivision to its present size of about 1800 m². The Panel has accepted evidence that parts of the property were used for orcharding into the mid part of the 20th Century although most of the original context has been lost and it is difficult to read "*evidence of the establishment and development of orcharding in the area*". However, the house is within a relatively large allotment and the original orientation of the house toward Elgar Road remains evident.

Recommendation

The Panel recommends:

115 Shannon Street, Box Hill North be included in the HO and the revised citation, dated September 2011 be adopted.

6.3.4 Submission 14 - 738 Station Street, Box Hill (HO224)

Description

'Kilrea' is opposite the Box Hill Gardens and about 300 metres north of Whitehorse Road. The intersection of Whitehorse Road and Station Street has been part of the commercial hub of Box Hill since the 1880s.

The house is on a large block being two allotments. It and the adjacent site to the north are generously sized allotments of approximately twice the size of surrounding residential blocks. It is an intact Victorian style dwelling and is a substantial polychromatic brick house with a patterned slate roof. The house is freestanding with land to its south now used as a vegetable garden and for a carport.

From Station Street, the house is elevated with steps to a centrally placed front door. The primary view of the place is from Station Street, a two lane arterial road. The Box Hill Gardens are opposite the place on the western side of Station Street.

The citation states that the house has an *asymmetrical plan form, with corner verandah terminated by projecting bays, is typical of the era. The complex form with patterned slate, steeply pitched roofs and tall chimneys with rendered caps gives the building a picturesque appearance. Decorative features include eaves brackets, polychromatic brickwork banding, lacework and twisted columns to the verandah.*

This decoration is concentrated on the west side facing Station Street and the south side.

Significance (Revised October 2001)

How is it significant?

The property at 738 Station Street, Box Hill is of historical and aesthetic significance to the City of Whitehorse.

Why is it significant?

The property at 738 Station Street, Box Hill constructed in 1890 is of historical significance for demonstrating a boom development period in the Box Hill area. Station Street was a primary street of development during this period, including as the route of the Box Hill-Doncaster Electric Tramway, and the surviving intact late Victorian villas along Station Street collectively demonstrate this significant period in Box Hill's history. The property has historical significance for its operation as the Fairbank private maternity hospital for 26 years, from 1924 to 1950 (Criteria A & B).

The property at 738 Station Street, Box Hill is of aesthetic significance as a particularly decorative late Victorian villa which is substantially intact. It has polychromatic brickwork, a complex roof form with projecting gabled bays terminating a corner verandah, front bay window with brick detailing, iron lacework and twisted posts, as well as decorative eaves brackets and horizontal banding (Criterion E).

The property is important for its associations with the Serpell family who lived in the house for three decades. Alfred Serpell who originally purchased the land and built the house was a prominent and successful local storekeeper and councillor. Serpell established what is thought to be one of Melbourne's earliest department stores, on the corner of Station Street and Whitehorse Road in 1883 and was also instrumental in building the Recreation Hall near the Railway Hotel in Whitehorse Road in 1885 (Criterion H).

Submission (Jim Michalakas)

Submission 14 made by Dennis Batge of DB Planning on behalf of Jim Michalakas, a director of Anik Pty Ltd, which is the registered proprietor of the land, noted there was a current planning permit for the development of the land for retirement accommodation. The approved development incorporates the house at 738 Station Street. The submission stated that *'it is the owners intention to retain it and the integrity of the external fabric in any redevelopment of the land'*. However, on the basis that the application of the HO may restrict redevelopment of the site, it was opposed by the owner.

At the Panel hearing it was submitted by Ms Joanne Lardner, instructed by Norton Rose Australia, that *'there is a real question as to whether the subject site is of local significance as is required to justify inclusion in the Heritage Overlay'* and that *'the Statement of Significance prepared on behalf of Council requires amendment so as to accurately reflect the significance of the subject site'*.

Ms Joanne Lardner called expert heritage evidence from Bryce Raworth. It was Mr Raworth's view that the building was arguably of local significance on the basis of its aesthetic interest. It just met the threshold of aesthetic local significance as *'buildings of this period and style are not as common in Whitehorse as in other inner and middle suburban municipalities'*.

Mr Raworth disputed that the place was of sufficient local historical and social significance arising from associations with the Serpell family and the Fairbank Maternity Hospital as identified in the citation. In Mr Raworth's view these associations were *'of minor, secondary interest, particularly because they are not readily interpreted in the fabric in other than the most basic way'*. The association with the Serpell family did not meet the benchmark for Criterion H.

Mr Raworth noted that the garden is not identified as of being of cultural heritage importance in the draft Statement of Significance, which states that: *'to the extent that the front garden to Station Street is of any importance, it is primarily as an open space enabling the house to be visible from Station Street'*. He argued that the size of the allotment was not of particular significance. While not typical, it was not rare for dwellings from this era in Box Hill to have a larger lot size.

Mr Raworth concluded that the existing approval for development, which retains and reuses the building within an altered and redeveloped setting, is appropriate, particularly noting that the site, located in the Box Hill CAA, is within a proposed 'substantial change area' under Clause 22.03.

Mr Raworth submitted to the Panel a proposed amended copy of the citation which reflected the issues raised in his evidence.

Council Response

Ms Egan informed the Panel that the HLCD report prepared for the Panel on behalf of Council had not included 738 Station Street as the report *'addressed submission items that relate to disputes of significance and recommendations which relate to heritage issues only'*. The property at 738 Station Street had not been included as the issues raised in Submission 14 related to planning not heritage matters.

In response to the heritage issues that had been raised at the hearing, it was pointed out that larger lot sizes among subdivisions were not uncommon in this area of Box Hill. The significance of the location of the place on Station Street and its relationship to the route of the Box Hill-Doncaster Electric Tramway, which ran between Box Hill and Doncaster from 1889 -1896, was emphasised.

It was Ms Lardner's view that the property should not be excluded from the HO because historical aspects were not visible. She also emphasised the importance of the intactness of the site and that few alterations had been made to the house or its setting over the years. Ms Lardner agreed with Mr Raworth's submission that there was no written or visual evidence related to any former gardens on the site. However, the existing open setting enabled a view of the property from Station Street and the Box Hill gardens, which enabled the site to be read in relation to the suburban development of Box Hill and the importance of the Tramway.

The Panel directed the Council's Heritage Consultant to undertake a visit to the site and circulate a revised citation to the Panel and to the representatives of the submitter for response.

This revised citation by HLCD was received on 19 October 2011 and a response by Norton Rose Australia on behalf of the submitter on the 28th October which stated that *'to the extent that the place has any heritage value, this value is not based on any historical significance but only on aesthetic significance'* and this was not made clear in the revised citation.

Panel Findings

A central issue in relation to this place was the issue of thresholds of local cultural heritage significance.

In considering the material presented at the hearing and on the basis of an external inspection of the property, the Panel was of the view that this intact Victorian villa with attractive decorative features, met the threshold for aesthetic significance at the local level (Criterion E).

The Panel also found that the place met the threshold for local historical significance, especially in terms of its significance for demonstrating in outer suburban Box Hill the far reaching effects of Melbourne's important boom period at the end of the nineteenth century (Criterion A). The location of the property in proximity to the unique Box Hill-Doncaster Tramway route along Station Street reinforces this significance.

The comparative study in the HLCD report identified that there are few remaining examples of boom-time villas remaining in the suburb and it was

the Panel's view that the site was now a sufficiently rare example of this period of development in Box Hill to meet the threshold for Criterion B.

In relation to the historical and social significance of the site through associations with the Serpell family and the Fairbank Private Hospital, Mr Raworth's evidence was that '*they are of a minor, secondary interest, particularly because they are not readily interpreted in other than the most basic manner*'. However, on balance the Panel finds the long association of the property with Alfred Serpell, store owner, developer and Councillor, and with the Serpell family for over thirty years to be of local significance. This association is reflected in the style and scale of the Victorian villa at 738 Station Street, which reads as a physical expression of the development of a commercial, community conscious middle class in Box Hill important for the socio-economic history of the local area (Criterion H). This contribution to significance is identified in the *Guide to Heritage Listing in Australia ;Thresholds for Different Levels of Heritage Listing* published by the Department of the Environment, Water, Heritage and the Arts in 2008.

The Panel also finds the use of the property as a private hospital, mainly a maternity hospital, from 1924 to the post-war period, to also be of local social historical significance. Private maternity hospitals were an important health service in Melbourne's middle and outer suburbs at this time. The use of the property for the Fairbank hospital, serving especially women in the Box Hill community for thirty years, contributes to the historical significance of the site (Criterion A).

In regard to the planning issues raised at the hearing relating to the impact on existing planning permit or future permits, and the inclusion of the property in the HO, the Panel emphasises that its task is to assess local heritage significance and that the planning impacts of its recommendations are considered elsewhere in the planning system. The Panel notes that the current permit includes the house and its main architectural heritage features and further notes that no outbuildings or garden features are included in the draft citation. However, the Panel recommends adherence to the general principal of the Planning Practice Note – Applying the Heritage Overlay which indicates that except in exceptional cases, the whole of a property should be included in the HO to ensure that heritage significance is considered when future development is proposed that may impact on the heritage place.

The planning implications for the location of a property of local heritage significance within an area of substantial change within the Box Hill CAA are discussed in Section 6.6 in the Panel report.

Recommendation

The Panel recommends:

738 Station Street be included in the HO and that the revised citation dated October 2011 be adopted.

6.3.5 Submission 4 - 781 Station Street, Box Hill (HO226)

Description

781 Station Street, Box Hill (c1892) is a single storey, double fronted house with polychrome brick on the street elevation and chimneys, a double hipped patterned slate roof with gable and hip to the front. The property is on the west side of Station Street, north of Severn Street.

Significance

The property at 781 Station Street, Box Hill constructed in 1892 is of historical significance as it demonstrates aspects of boom period development in the Box Hill area. Station Street was a primary development street during this period and the surviving intact late Victorian villas along Station Street collectively demonstrate this significant period in Box Hill's history. The property is historically significant as it represents the earliest stages of the extensive 1888 subdivision called the Box Hill Township Estate (Criteria A & B).

The property at 781 Station Street, Box Hill is of aesthetic significance as a decorative late Victorian villa. The residence retains its original siting in relation to the street frontage, and original form with projecting front bay with faceted window and parallel hipped roof. It demonstrates decorative details of the style including timber strapping with finial to the gable, bichromatic brickwork, patterned slate roof and eaves brackets (Criterion E).

The property has local historical significance for its association with the prominent agricultural Sim family. This property would have been a modest example within their property portfolio (Criterion H).

Submission (A & M Cicchelli)

Mr and Mrs Cicchelli objected to the inclusion of the property in the HO and considered that it was not of sufficient historical significance having been built during a short-lived boom period, early in Box Hill's development. The aesthetic significance of the property is limited to the front façade. Many alterations have occurred to the structure including the removal of the front verandah and lead lights from entry door. Additions have also been made to

the rear and the interior substantially modified. Adjacent residential development is unsympathetic. The association with the Sim family is obscure and irrelevant.

Council Response

Ms Lardner noted that the citation had been amended to include the physical changes to the property. The reference to the Sim family has been clarified to reflect the historical, rather than social value.

The citation refers to the important period of development in Box Hill and therefore contributes to the significance of the house. Although, there have been modifications to the house, the original form, scale and design of the place is substantially intact and have not substantially diminished the heritage value of the place. No interior controls are proposed and thus modifications to the interior do not impact upon the significance of the place.

Panel Findings

The Panel viewed the property from Station Street and noted that the original form and scale of the house is substantially intact. It agrees with citation prepared by Ms Lardner that 781 Station Street, Box Hill is of local historical and aesthetic significance.

Recommendation

The Panel recommends:

781 Station Street, Box Hill be included in the HO and that the revised citation, dated September 2011 be adopted.

6.3.6 Submission 15 (Part) - 701 Station Street, Box Hill (HO223)

Description

The Box Hill Masonic Centre at 710 Station Street was constructed in 1923. The original building was a large, double storey, red brick structure designed in the interwar Free Classic style. It had a distinctive 'temple' façade, with a central porch and entry flanked by substantial piers, repeated at the northern and southern edges. Extensions undertaken in 1956 were built in cream brick and located in the front setback. These extensions resulted in structural alterations to the whole façade and reorganisation of the interior. The building ceased being used for Lodge meetings in November 2009.

Significance

The Box Hill Masonic Lodge is of historical significance to the City of Whitehorse as an important civic building in Box Hill and one of only two extant Masonic Centres in the City of Whitehorse. Its central location and substantial size demonstrates the importance of Masonic associations in the development of the Box Hill community during the early twentieth century, as well as the 1920s boom period for Box Hill as it emerged from a Borough to a City. It is also demonstrative of the growth in freemasonry at this time. The c.1956 addition demonstrates the continuing prominence of freemasonry in the area in the period following World War 2 (Criteria A & B).

The Lodge exhibits the principal characteristics of a Masonic Hall purposely built for the Freemasons and therefore demonstrates aspects of the practice of Freemasonry. At the dedication, the building was described as 'typical of many similar structures recently erected in the suburbs, which testify to the steady growth of Freemasonry'¹⁴. Typical characteristics of Masonic Halls of this period include the use of Interwar Free Classical style or similar styles, symmetrical gambrel roof forms over rectilinear block buildings, unpainted brickwork behind a rendered temple front and the incorporation of Masonic symbols as shown in the 1923 fabric of the building (Criterion D).

Aesthetically, the building is a representative example of the Interwar Free Classical style of Masonic Hall constructed in Victoria as well as the style used in the 1950s with the distinctly Moderne c.1956 front addition. Based on the 1956 plan and visible evidence, the 1923 facade is likely to be intact behind the addition with some modification. The Masonic Hall makes a significant contribution to the historic and aesthetic character of central Box Hill as part of the important grouping of public and civic buildings in this area (Criterion E).

The Box Hill Masonic Lodge is of social significance for its association with the Freemasons first charitable activities undertaken by the Masons since 1923. It is valued and recognised by the Box Hill community as a symbol of freemasonry and for cultural reasons (Criterion G).

Submission (Freemasons Victoria)

The submission, on behalf of Freemasons Victoria, was made by Mr David Gold of Planned FX. The submission concluded that there was insufficient justification given for the inclusion of the building in the HO. The assessment did not demonstrate the level of historical significance required for the application of an individual HO.

“From an architectural and aesthetic perspective, the Box Hill site is a typical building from the 1920s of which there are many examples developed throughout Melbourne.”

It was also submitted that the exterior has been substantially altered by the front extension constructed in the 1950s and by other alterations.

In his submission at the Panel hearing Mr Gold presented photographic evidence of the considerable changes to the interior and exterior of the building. In terms of social significance, Mr Gold agreed that the site is likely to be of some social value to Freemasons who have past associations with the building. *‘The site however is no longer used for Lodge meetings, so the social value and relevance of the site has reduced’.*

Mr Gold called expert heritage evidence from Anita Brady of Lovell Chen. Her conclusion was that the Masonic Centre in Station Street is not of sufficient heritage significance to merit or justify its individual inclusion in the Heritage Overlay. In her evidence Ms Brady placed the Box Hill Masonic Building in the context of other Masonic buildings in suburban Melbourne in the inter-war period. Although sharing elements of the original temple form of the Station Street buildings, the other examples were more intact and retained their original facades.

Ms Brady’s conclusion was that the draft citation had not established sufficient grounds to justify the identified criteria. While the building was of some historic value for its association with the Box Hill Freemasons and as an extant older building in the City of Whitehorse, it is not readily recognised as a Masonic building and has ceased to be used by the Freemasons. *“The property has been significantly compromised by the addition to the front of the building which directly impacted on the characteristic Masonic ‘temple’ form”.*

In relation to social value, Ms Brady submitted that the severance of Lodge connections had reduced the social value of the site and that there was little evidence that the broader Box Hill community valued the building.

Further, as this was part of a ‘gap’ rather than precinct overlay no consideration had been given to the contribution of the building to civic buildings in Central Box Hill.

Mr Gold concluded the Panel submission by stating that the site does not make a sufficient contribution to any grouping of public buildings to justify applying a site-specific heritage overlay to the property. He also stated that a proposed new Masonic Centre to be built in the region will provide historical material and will continue social contacts.

Council Response

On behalf of the Council, Ms Egan conceded that the comparative analysis submitted by Ms Brady demonstrated there were a number of more intact Masonic Lodges of this era in suburban Melbourne. However, in the local context this was a building of historic significance.

It was also conceded that the place is no longer used by the Freemasons and that the original façade has been largely obscured by the 1950s addition. However, Ms Lardner stated that in a view from the front *'the original form of the place is still evident near the roof line.'* The existence of other Lodges in superior condition located in other areas do not detract for the importance of this building to the City of Whitehorse and the social memories associated with the building. The adoption of the revised statement was recommended.

Panel Findings

On inspection and after considering the evidence presented at the hearing, the Panel was convinced that the 1950s cream brick façade was a substantial barrier to reading the building either as a Masonic Centre dating from the 1920s or as an important civic building in the Box Hill community. Although it may be possible for the building to qualify under Criterion A, it was the Panel's view that because of the loss of integrity it could not meet Criteria B, D or E.

As well, the Panel was not convinced of the on-going recognition of the social significance of the building and noted on inspection that present use was limited to a few small community groups. Overall, there was no evidence that the place could be considered meet the benchmarks for Criterion G.

Recommendation

The Panel recommends:

710 Station Street, Box Hill (Masonic Hall) is not of sufficient significance to warrant heritage protection and the property not be included in the HO as it does not meet the thresholds for local historic, aesthetic or social significance.

6.3.7 Submission 15 (Part) - 1 Clarke Street, Blackburn (HO230)

Description

The Blackburn Masonic Lodge was established in 1926 and the foundation stone of the Clarke Street building laid in 1928. The building is of brick and concrete construction and is a large single storey bungalow with a terracotta tiled hipped roof and projecting gable. In scale and design, the building with its residential appearance, fits within the suburban landscape. The Clarke Street elevation is dominated by a projecting rendered gabled bay, centrally located and containing a large arched window. The arch is segmented with a projecting keystone, which have symbolic meanings within Freemasonry.

Significance

The Blackburn Masonic Centre is of historical significance to the City of Whitehorse as an important civic building in Blackburn and one of only two known Masonic Lodges in the City of Whitehorse. Its central location and establishment in the late 1920s demonstrates the importance of Masonic associations in the development of the Blackburn community in the early 20th Century. The establishment of the Blackburn Masonic Lodge in 1926 also represents the growing population and boom period within the central Blackburn area. It was in this period that Blackburn developed from a rural hamlet to a more populous suburb of Melbourne (Criteria A & B).

Aesthetically, the building is an excellent intact example of a domestic scale Arts and Crafts style Masonic Lodge. It has been purposely built for the Freemasons yet its exterior is in keeping with its suburban residential context, reflecting the popularity of Bungalows in Blackburn at this time. It is unusual for the domestic Bungalow style to be applied to buildings with other functions. Of particular note is the large semi circular window at the front of the building reflecting the main internal meeting room. The Masonic Centre building makes a significant contribution to the historic character of these central residential streets of Blackburn (Criteria D & E).

The Blackburn Masonic Centre is of social significance for its association with the Blackburn Freemasons formed in 1926. The site has been continually used as the centre for social, recreation and charitable activities undertaken by the Blackburn Masons and associated local charitable associations since its construction for this purpose in 1928 (Criterion G).

Submission (Freemasons Victoria)

The submission on behalf of Freemasons Victoria by Mr David Gold of Planned FX questioned whether the Blackburn Masonic Lodge was of sufficient social and historic value to meet the thresholds of significance for heritage listing. However, at the Panel Hearing, Mr Gold supported the inclusion of the property in the Heritage Overlay *'on the basis that the building is of local, aesthetic and architectural value'*.

This assessment, of the local significance of the Blackburn Masonic Centre, was confirmed by the evidence of heritage consultant, Anita Brady of Lovell Chen. Ms Brady stated that *'the property is a relatively uncommon example of a Masonic building which employed a distinctly domestic architectural form, and a domestic scale'...**'the building is also substantially intact to its original form, and where changes have been occurred, they are largely minor or superficial'*. Ms Brady concluded that the Masonic Centre at Blackburn *'is considered to be of sufficient heritage value to justify individual inclusion in the Whitehorse Heritage Overlay'*.

In his submission, Mr Gold emphasised the Freemasons standing commitment to the Centre on the Clarke Street site but raised the issue of the impact of inclusion in the HO on future development of the site.

"Suffice to say that considering the current use of the land, its location, available services and proximity to the Blackburn activity centre, the site might at some future time be suited to offices or similar uses currently prohibited in the Residential 1 Zone....In this context Freemasons Victoria submits that the new heritage controls should give some flexibility for adaptation of the use of the site".

In summary, Mr Gold stated that Freemasons Victoria's submission was *'that it would be appropriate to modify the Schedule to the Heritage Overlay, as exhibited, to allow a permit to be granted for prohibited uses on this land. The individual merits of any proposed change of use would be subject to the rigour of assessment through a planning permit application process'*.

Council Response

In relation to the thresholds of local historic and social significance, Ms Lardner emphasised that the citation clearly established that these had been met. She especially emphasised the unusual use of domestic architectural style for a Masonic Lodge and the significance of this for the building's integration into the community, drawing attention to the proximity of 1 Clarke Street to the Bungalows designed by architect Algernon Elmore, a very influential figure for this period in the Blackburn area.

Ms Egan responded to the submission in relation to modification of the Schedule to the Heritage Overlay, as exhibited, to allow a permit to be granted for prohibited uses on the land. Ms Egan stated that such a modification could not be considered as part of this process. Any future planning application would be considered on its merits taking into account the constraints of the HO and current planning provisions.

Panel Findings

The Panel finds that the Blackburn Masonic Centre at 1 Clarke Street meets the thresholds of local significance in relation to Criteria A, B, D, E and G as set out in the revised Statement of Significance of September 2011.

The domestic architecture of the Centre is unusual for a civic building and sits well with the 1920s architectural context of this area of Blackburn. The building makes a major contribution to the heritage significance of this area, noted for its architectural integrity and its contribution to the flourishing Arts and Crafts movement in Melbourne between the wars. Its continued use as a Masonic Centre affirms its local social significance.

In relation to Mr Gold's request for an amendment to the Schedule of the Heritage Overlay as exhibited to allow planning permits to be granted for prohibited uses on the land, the Panel finds that this is a planning issue that cannot be considered by a Panel established to review heritage significance.

Any future application for development on the land will be assessed on its merits as part of Council planning requirements at the time.

Recommendation

The Panel recommends:

1 Clarke Street, Blackburn (Masonic Lodge) be included in the HO and that the revised citation, dated September 2011, be adopted.

6.3.8 Submission 1 - 327 Warrigal Road, Burwood (HO235)

Description

The site at 327 Warrigal Road comprises a large double storey, red brick building with attached skillion on the west elevation facing Warrigal Road. An open courtyard divides the main building and a double storey skillion located on the east boundary. A later addition has also been built directly on the line of the southern boundary, which extends the full length of the property. The site is bounded by Warrigal Road to the west, a laneway to the north and a clearway to the east. The main double storey brick building with gable roof dominates the site. The gable roof is clad in corrugated iron and has no overhanging eaves. A single narrow chimney is located at one end.

On the west elevation the attached skillion faces Warrigal Road and currently functions as a shop front glazed with large window panes and shop signage affixed to a parapet.

The double storey skillion roofed building, which abuts the eastern boundary, is contemporary with the main building with walls constructed of red brick.

Significance

The former Bakery Complex at 327 Warrigal Road Burwood including the main building and associated outbuildings is of historical significance as a substantially intact purpose built bakery which is a rare building type within the municipality. The site operated as a bakery from 1928 until 1960. The site is also important for its use for pottery production by various small firms, contributing a rare example to a dominant theme of clay related industries within the City of Whitehorse (Criteria A and B).

The former bakery Complex is of historical and aesthetic significance for its demonstration of the principal design characteristics of a purpose built bakery from the early to mid 20th Century. Its form, materials and collection of buildings, including a chimney, demonstrates this original use (Criterion D and E).

Submission (Hao Lin)

In the submission to the exhibition of the Amendment by Best Hooper Solicitors on behalf of Mr Hao Lin, the inclusion of the place in the Heritage Overlay was opposed but no reasons were given. At the Panel hearing these reasons were presented by Mr Scally who called expert evidence from heritage consultant Bryce Raworth. In summary, it was submitted that 'the

generic nature of the building and its condition does not warrant the Land being included under the Heritage Overlay’.

Mr Scally argued that the fundamental issue was one of thresholds for heritage significance and argued that the Council submission lacked rigour.

These reasons were elaborated in the evidence of Mr Raworth who has undertaken heritage studies of other surviving suburban bakeries of this period. His evidence demonstrated that the building on the rear boundary was a horse stable and that this had not been identified in the Council citation.

In relation to the heritage significance of the place, Mr Raworth submitted that local historical significance was *‘appreciable, albeit not substantial’*.

In relation to built form, it was submitted that the building could be read as a utilitarian industrial building but there was little to distinguish it as a bakery or pottery. Unsympathetic additions diminish the integrity and architectural interest of the fabric especially as it presents to Warrigal Road.

In terms of the comparative examples with other suburban bakeries in the citation, Mr Raworth alluded to his study of the architecturally significant Tip Top bakeries in Brunswick, a much larger complex that illustrates the shift from small family businesses towards industrial scale food production.

Mr Raworth also submitted *‘that there is little historical significance from the subject site’s other use as a pottery business’* and that the building fabric did not demonstrate this use. He questioned that clay-related industries were significant in the City of Whitehorse.

Mr Raworth concluded that it was his belief that the building at 327 Warrigal Road, Burwood *‘is only of minor local historical interest as a minor and altered example of an interwar suburban bakery and does not warrant a heritage overlay control’*.

Council Response

On behalf of the Council, Ms Egan responded that further material incorporated into the revised citation (September 2011) met with the substantive issues raised in the submission. Ms Lardner stated that she agreed with much of Mr Raworth’s report. The comparison with other suburban bakeries underlined the similarity of the Burwood bakery especially when viewed from the east. She questioned the usefulness of the comparison with the much larger commercial Tip Top Bakery in Brunswick. She also questioned Mr Raworth’s assessment of the chimney, which she submitted was a significant aspect in reading the former industrial use. Ms

Lardner conceded that although the frontage had been substantially altered the building can still be read from the sides and that the alterations did not substantially diminish its integrity.

In response to the issues regarding the assessment of rarity raised by Mr Raworth, Ms Larder responded that the significance of the place as the only surviving example of an early local bakery in the municipality met this assessment of local significance.

Panel Findings

The Panel considered this place, according to the extent that thresholds of local heritage significance, were met.

In relation to local historical significance the Panel finds that the former bakery is a substantially intact local industrial complex. The establishment of the bakery in the 1920s reflects the suburban expansion of the Burwood area following the extension of the tramline. The bakery remained in use for thirty years and the building adapted to use as a pottery and then an antique business (Criteria A).

The Panel finds it a rare surviving industrial building type within the municipality. (Criteria B) The comparisons with other municipalities in Mr Raworth's submission indicated that few Melbourne suburban bakeries had survived the advent of mass food production. It is a rare surviving example of a small scale industrial enterprise in the City of Whitehorse (Criteria D).

On inspection, it was the Panel's view that despite alterations, the building can still be read as a purpose built local bakery from side views and especially from the east. It retains its original built forms serving different parts of the bakery, as well as a chimney (Criteria E).

However, it was the Panel's view that although the site was used for the production and selling of pottery, the building's link to clay related industries within the City of Whitehorse was not established and this reference should be deleted from the draft Statement of Significance.

Recommendation

The Panel recommends:

The former bakery at 327 Warrigal Road, Burwood be included in the HO and that the revised citation of September 2011 (excluding the reference to clay-related industries) be adopted.

6.3.9 Submissions 17 & 10 - 1 Lightfoot Street, Mont Albert (HO237)

Description

1 Lightfoot Street, Mont Albert is a single storey Victorian weatherboard house (c.1888) with hipped tile roof and corrugated iron verandah along two sides. The house is sited diagonally across the allotment and is set in a mature garden.

Significance

The property at 1 Lightfoot Street, Mont Albert is of local historical significance for its representation of the early development of the Mont Albert area. A number of subdivisions were occurring in the 1880s, but relatively few houses were constructed at this time, giving the suburb a very different appearance to that we see today. The scale of the Victorian villa and its placement on the allotment facing Victoria Crescent provide tangible evidence of the changes in subdivision patterns since those days (Criteria A & B).

The property at 1 Lightfoot Street is of local aesthetic significance as a good example of a Victorian villa. The form, materials and some details of the residence incorporate key characteristics of the style and era. The c.1950 extensions are not considered significant (Criteria D & E).

The property at 1 Lightfoot Street is of local historical significance for its associations since 1889 with James Dunn, a prominent property developer in the area. Dunn was also responsible for the planting and care of Oak and other exotic trees established in the streetscapes around this northern area of Mont Albert. The house is currently owned by descendants of Dunn (Criterion H).

Submissions (Kelvin Freeman (17) and J. N Browne (10))

Mr Freeman, in his written submission, considered that citation did not provide sufficient evidence to justify the inclusion of the house in the HO. The citation only ascribes it aesthetic significance as an “excellent” example of a Victorian villa. He also questioned the Association with James Dunn who did not own the property but was responsible for the Oak trees along Victoria Crescent. The protection of these trees, notable for their association with the Dunn family, was suggested.

Mrs J Browne submitted that the house was in poor condition and replacement of the slate roof with terracotta tiles means that it no longer looks “Victorian”. The house faced the corner of Victoria Crescent and Lightfoot Street before subdivision some 50 years ago.

Mr Kuszniarczyk of Clement Stone Planners, for Mr Freeman at the hearing, noted that the area was covered by quite detailed neighbourhood character controls and considered that the HO was unnecessary. The submission included a report by Mr Barrett (Heritage Architect) suggesting that further information was needed before imposing unnecessary constraints on the site. He noted that the house is screened from Lightfoot Street by an overgrown garden and makes a minimal contribution to the character of adjacent streets. His report did not contest the findings of local significance. Mr Kuszniarczyk considered the HO was not based on a robust assessment. Many other examples existed of houses exhibiting similar hip roofs and verandahs, so that the claim of heritage significance is tenuous. *"The place should be unique in order to satisfy the heritage criteria"*. Mr Kuszniarczyk submitted if the HO was to be introduced it should only apply to the immediate area occupied by the house. He also agreed to arrange inspection by Council's heritage consultant.

Council Response

Ms Egan for Council stated that the revised citation for the site acknowledges the association of the trees with the Dunn family; however, the extent of the trees that hold this association is unknown. Further heritage landscape assessment would be undertaken separate to the current Amendment.

The inclusion of the whole property enables Council to regulate the surrounding development to ensure it does not impact on the significance of the heritage fabric. Consequently, application of the HO generally aligns with property boundaries. In instances where the extent of area required to effectively protect the heritage place does not align with the property boundaries, the heritage place is clearly defined in the HO schedule and the extent of the HO is shown in the mapping.

Ms Lardner in evidence stated that a site visit and therefore a closer inspection of 1 Lightfoot Street had not been carried out. However further details from Council files were added to the citation, along with information regarding the condition of the place based upon the submission by Clement-Stone Planners. It was noted that no internal controls are proposed therefore internal modifications or condition is not part of the citation. Ms Lardner concluded that *"from the available information, ... there may well be opportunities for future development of this property. However that is not a reason to postpone recognition of its local heritage significance. It would be of benefit in assessment of future development proposals if more detail is provided of the levels of significance within the property and the resultant tolerance for change"*.

Panel Findings

The Panel viewed the property from the adjacent streets and agreed with citation prepared by Ms Lardner that 1 Lightfoot Street is of local aesthetic significance as an excellent example of a Victorian villa.

The suggestion that a lack of visibility of a heritage place from the street reduces its significance is not accepted by the Panel and appears to overlook the important responsibility of Council to conserve its cultural heritage wherever it is located. Many places of heritage significance may be obscured from the public view and may or may not become visible at a future time. The Panel therefore does not accept that screening – by buildings or planting or otherwise – will change intrinsic significance of a heritage place.

The Panel agrees with Council that the inclusion of the whole of the allotment within the HO is consistent with the Practice Note and is appropriate. The Panel also supports the decision not to include internal controls and tree controls in the absence of comprehensive assessment.

Recommendation

The Panel recommends:

1 Lightfoot Street, Mont Albert be included in the HO and that the revised citation, dated September 2011 be adopted.

6.3.10 Late Submission - 467 Station Street, Box Hill (HO222)

Description

467 Station Street, Box Hill is a single storey, double fronted, late Victorian brick house in polychrome brick, with projecting, front gabled end and a return L-shaped verandah. The hipped roof with projecting gable ends has terracotta tile cladding, the original slate having been removed. The property is located on the west side of Station Street north of Kent Street.

Significance

The property at 467 Station Street, Box Hill is of historical significance as one of a small number of nineteenth century houses surviving in Box Hill demonstrating an early and important phase of residential settlement in the area. It represents the 1888 Howard Park subdivision. It is also of historical significance as one of a small number of properties built by Edward Bishop, master builder and land developer during the boom period in the Box Hill area. Bishop had previously developed numerous parcels of land in neighbouring suburbs such as Hawthorn and Camberwell. He was a local municipal resident, residing in Vermont and

was involved in local politics and religion in the Shire of Nunawading (Criteria A & B).

The property at 467 Station Street, Box Hill is of aesthetic significance as a transitional style building demonstrating key features of the late Victorian era (bi-chrome brickwork, tuck pointing and iron lacework) and the Edwardian era (diagonal axis roof form, bull-nosed verandah, half timbered gable ends and tripartite windows) of architectural design. It is a substantially intact example where its original form, materials, decorative finishes and decorative detailing can be understood despite later changes (Criterion E).

The property is historically significant for its associations with Edward Bishop, master builder, land developer and Councillor for the Shire of Nunawading (Criterion H).

Submission (Zhao Yang Lin)

The submission objected to the inclusion of the property in the HO and listed the alterations to the house principally extension at the rear, change of roofing material, concrete verandah floor, replacement of some windows. Internal modifications have been carried out and a double garage constructed on the south side of the house toward the rear.

At the hearing Mr Green of Archicentre for the owner submitted a report on the existing condition of the house, noting that some 30% of its area, principally comprising rear extensions and garage are not original. It was requested that the citation be amended to accurately describe the portion of heritage significance.

Council Response

Ms Lardner described the house as a transitional style building with characteristics from the Victorian and Edwardian periods. Despite the later modifications, the significant features are substantially intact. The modifications such as changing the roof material (e.g. from slate to terracotta tile or corrugated iron) was not unusual. Rear additions, concrete verandahs and garages are also relatively common. However, the original form, scale and design of the place as it presents to the street is substantially intact. It was noted that no internal controls are proposed and therefore internal modifications or condition has not been considered as part of the citation.

Panel Findings

The Panel viewed the property from Station Street and noted that the original form and scale of the house is substantially intact. It agrees with citation prepared by Ms Lardner that 467 Station Street, Box Hill is of local historical and aesthetic significance.

Recommendation

The Panel recommends:

467 Station Street, Box Hill be included in the HO and that the revised citation, dated September 2011 be adopted.

6.4 Other Submissions

6.4.1 Late Submission 28-30 Asquith Street, Box Hill South (HO215)

Description

28-30 Asquith Street, Box Hill South (c 1912-1913) is a Federation styled single storey, double fronted weatherboard house with gabled corrugated iron roof. The house also has two return verandahs – the one at the south east corner is on the original frontage facing Sycamore Street.

Significance

The property at 28-30 Asquith Street is of historical significance as a former poultry farming property, representing the farming history of the Box Hill area. It is one of the few surviving properties which provide evidence of the continuing establishment and development of farming in the area after 1900. The sitting and outlook of the house indicates it was once part of a much larger property, again confirming its farming history (Criteria A & B).

The property at 28-30 Asquith Street is of aesthetic significance as a substantially intact example of a Federation styled farm house in the Box Hill area retaining key characteristics such as the diagonal roof plan and decorated gable bays. Recent modification has occurred with the construction of a new verandah, carport and storage addition however these do not detract from the original form or design of the place (Criterion E).

Submission (Hamish Kinsella)

Mr Kinsella in his written submission supported the HO but sought a correction to the citation to indicate that the second return verandah, matching the original, was added to the property after it was purchased in 2002.

Council Response

Ms Lardner indicated that the recent modifications that included a carport and storage area, in addition to the verandah added to the northeast corner of the house, do not detract from the significance of the property. The citation had been modified accordingly.

Panel Findings

The setting and context of the property has been overtaken by later subdivision and in consequence, it is the fabric of the house that provides evidence of its original orientation and suggests that it was once on a much larger holding. The Panel accepts evidence that the property was a poultry farm during the first half of the 20th Century and is a link to the farming past. The Panel also agrees that the recent modifications do not detract from the integrity and intactness of the house.

Recommendation

The Panel recommends:

28-30 Asquith Street, Box Hill South be included in the HO and that the revised citation, dated September 2011 be adopted.

6.4.2 Submission 7 - 90 Albion Road, Box Hill (St Paschals Friary) (HO214)

Description

The Friary at 90 Albion Road, Box Hill is a seminary complex constructed in two major phases. The first in 1936 comprises single and two storey buildings in cream brick with terracotta tile roofs, set around an arcaded courtyard in inter-war Georgian/Spanish Mission style. These buildings include a central Byzantine hexagonal tower over the main entry. The second phase built 1965-1971 in Moderne style is a large chapel and a separate two storey Printing press building. Landscaping is informal consisting of large trees, lawns and some garden beds generally to the north west of the site.

Significance

St Paschals Friary is of historical significance to the City of Whitehorse as a rare type of religious complex within the municipality. It is the only known Friary to exist in the City of Whitehorse and possibly Victoria. As an intact complex of cream brick religious buildings and associated grounds it is also rare within the municipality. The complex demonstrates the principal characteristics of a Friary (Criteria A, B & D).

St Paschals Friary is of aesthetic and architectural significance as an intact and cohesive complex of cream brick buildings dating from the 1930's, and the section completed between 1965-1971. Both the 1936 Courtyard building and the Chapel completed in 1971, are excellent examples of cream brick buildings designed within their eras. The 1936 courtyard building demonstrates an eclectic mix of architectural features from the 1930's period including the Georgian Revival style entry with Byzantine tower and entry doors, the arcaded courtyard and the Arts and Crafts style chimney on the north side of the building. The 1971 Chapel is a particularly impressive design and space within its walls of grid windows and arcaded tower (Criteria E & F).

St Paschals Friary is of social significance for its associations with the Order of Friars Minor and as a focus for Theological studies in Victoria and the main resource centre and library for Franciscan studies in Australia. The 1936 complex is an important example of the work of architect Thomas G Payne (Criteria G & H).

Submission (J & C Altmann)

Mr and Mrs Altman supported the amendment noting the significance of the complex in cultural and aesthetic terms. Of particular importance were the landscaped grounds with mature trees and lawns which add to the open space and amenity of the local area. The absence of vegetation protection controls was considered a threat to the character of the neighbourhood. The inclusion of a Vegetation Protection Overlay over the trees and landscaped grounds of St Paschals Friary was sought in addition to the HO.

Council Response

Ms Egan for Council noted that the proposed statement of significance identifies the 'St Paschals Friary Complex including its associated landscaped grounds' as the heritage place. However, the scope of the assessments did not include heritage landscape evaluation. Council was reluctant to 'turn on' the tree protection in the schedule to the HO, in the absence of proper landscape investigation. A future heritage landscape assessment would be undertaken separate to the current Amendment.

Panel Findings

The Panel is satisfied that that St Paschals Friary and its landscape setting is of heritage significance for its historical, aesthetic, and cultural value at many levels including its association with religious groups and individuals.

No detailed evidence has been submitted regarding the garden layout or the trees and shrubs that contribute to its structure. The Panel therefore concurs with Council that it would not be appropriate to introduce tree controls in the schedule to the HO. It would however be desirable that a landscape assessment be undertaken to determine the extent and significance of the open space and gardens associated with the Friary for consideration in a further amendment.

Recommendation

The Panel recommends:

St Paschals Friary at 90-100 Albion Road, Box Hill be included in the HO and that the citation be adopted.

6.4.3 Submission 8 - 395 Middleborough Road, Box Hill (Box Hill Cemetery) (HO58 and HO219)

Description

The Box Hill Cemetery occupies some 12ha (30acres) south of the Lilydale Railway, west of Middleborough Road, north of Reserve and Sanders Roads and extends to gates on Whitehorse Road along the original access way north of the railway known as Cemetery Avenue. The cemetery contains many notable monuments including the Columbarium and Myer Memorial, on the Victorian Heritage Register (H2045).

Significance

Box Hill Cemetery is of historical significance to the City of Whitehorse as an example of a locally initiated and developed municipal cemetery. The Box Hill Cemetery Trust responded to the burial needs and cemetery requirements of the local residents in the early stages of Box Hill's development as a rural township. The extension to the cemetery in the late 1880's and again in 1935 reflects the development of the area from a rural township to a more populous suburb of Melbourne. The Box Hill Cemetery and physical fabric demonstrates the changes of burial practices from the 1870's including the introduction of crematoriums and deposit vaults for ashes in the 1920's (Criteria A & B).

The Box Hill Cemetery is of historical and aesthetic significance for its different layouts and plantings, which reflect the different phases of development as further land was acquired. These reflect the stylistic preferences of the day; from the Victorian style used at the inception of the cemetery to the 1930s Interwar modern – demonstrating changes for these periods by specific landscape plantings and design, architectural design and material and planning of the cemetery layout. The Victorian period contrasts from the 1930s period by its diagonal axes and entrance axis, whereas the 1930s period layout is geometric with north-south east-west pathways (Criterion D).

The Box Hill Cemetery is of aesthetic significance for its landmark qualities within the area. The plantings along the railway line and the Cemetery Avenue, which link between the cemetery and Whitehorse Road, are significant landmarks indicating the location of the cemetery to the wider area. The Box Hill Cemetery is of aesthetic significance for a number of architecturally designed monuments and memorials related to key community members who are buried at the cemetery. The Columbarium and Sydney Myer memorial are two examples of architecturally designed structures that are of State significance (partially for their aesthetic qualities) and listed in both the Heritage Overlay (HO58) and on the Victorian Heritage Register (H2045) (Criterion E).

The Box Hill Cemetery is of social significance as a place collectively utilised by different religious denominations and non religious groups for religious, spiritual, symbolic and/or social events related to the burial of the dead as the final resting place for people in the community (Criterion G).

Box Hill Cemetery is of social significance for its association with prominent members of the community who are buried in the cemetery including Sydney Myer, Sir William Anglis and Joy Hester (Criterion H).

Submission (Fiona McKinnon)

As an adjoining property owner, Ms McKinnon enthusiastically supports the application of the HO to the Box Hill Cemetery.

Panel Findings

The Panel supports the inclusion of the Box Hill Cemetery in the HO because of its considerable cultural heritage significance for the City of Whitehorse. The Cemetery has many avenues of mature trees and individual trees of significance, some dating from the 19th Century. It is noted that tree controls are proposed to be 'turned on' in the Schedule to the HO. The Panel also notes that the heritage place is defined as: "358 Middleborough Road as well as

gates along 1158-1160 Whitehorse Road and the trees extending south from the gates and land within 2 meters surrounding the trees and gates" in the Schedule to the HO.

Recommendation

The Panel recommends:

The Box Hill Cemetery at 358 Middleborough Road, Box Hill be included in the HO and that the citation be adopted.

6.4.4 Submission 13 - 1000 Canterbury Road, Box Hill (former Municipal Incinerator) (HO216) and 354 Elgar Road, Box Hill (Surrey Dive) (HO217)

Description

The Former Incinerator is located in Wembley Park south of Canterbury Road west of Middleborough Road. It is a utilitarian industrial brick building (c.1927) with part double storey with a corrugated iron roof. The furnaces have been removed and the building variously used as a club rooms and storage facility over recent years.

Surrey Dive is located at the northern end of Surrey Park, Box Hill and is accessed from Surrey Drive off Canterbury Road. It was a former clay pit, used from the early 20th Century as a swimming hole. More recently it has become an ornamental lake within Surrey Park, with timber decks and platforms around the edges.

Significance

Box Hill Municipal Incinerator (HO216)

The former Box Hill Municipal incinerator is of historical significance to the City of Whitehorse as it provides evidence of Council rubbish incineration, which was a widespread practice amongst Australian Municipalities in the early twentieth century, particularly the interwar period. The incinerator is of historical significance for associations with the reverberatory incineration process that was patented by engineer John Broadle in 1926 and which subsequently became the most popular incinerator type in Australia in the 1930s. With the demolition of Boadle's prototype plant at Sandringham, the example at Box Hill now stands as the earliest surviving example of its type (Criteria A&B).

The building at Box Hill not only stands as the earliest surviving reverberatory incinerator in Australia, but also as one of only two known to survive in Victoria and one of only six that still stand in the entire country. More broadly, the building can also be considered as one of a

small number of pre-war incinerators, of any type, that still survive in Australia.(Criterion B).

Although the furnaces themselves have since been removed, the distinctive form of the building including the sloping concrete hopper (now concealed) and the ash truck doorways (now infilled) provide evidence of its original operation and demonstrate key attributes of the reverberatory type incinerator (Criteria D & E).

Surrey Dive (HO217)

Surrey Dive is of historic significance to the city of Box Hill for its association with the early brickworks industry in Box Hill. The land on which Surrey Park sits was originally part of the Haughton Park Brick Company and Surrey Dive is formed from a clay pit from the Brickworks. Surrey Dive is of historical significance as the location of the Surrey Dive, a famous and popular swimming hole for the area from the early 1900's. The former clay pit had unofficially been used by the Surrey Park Swimming Club since 1902 after it had been abandoned by the Brick Company. Following the purchase of the land by Box Hill City Council in 1905 facilities were added and modifications were made to the pit and the site was officially opened as a municipal swimming venue called Surrey Dive in 1909. Surrey park is of Historical significance as one of the earliest established public sporting venues in the City of Whitehorse with the park used by cricket and football since the 1890s and the Dive being the venue for many State and National swimming carnivals since its establishment (Criteria A & B).

Surrey Park is of aesthetic significance as a cultural landscape. The clay pit swimming hole and the former clubrooms demonstrate early recreation activities in the area. The relationship between Surrey Dive and the adjacent Box Hill Brickworks buildings is an important visual reminder of the history of the site and the Box Hill area (Criterion E).

Surrey Dive is of social significance for its use as a local swimming venue for the Surrey Park Swimming Club since 1909 and as a community recreation focus and meeting area for Box Hill residents. It is of social significance as the location for many social community and sporting gatherings since its establishment and has strong presence in the memory of many past and present Whitehorse residents (Criterion G).

Submission (Melbourne Water)

Ms Riley noted in the written submission that important Melbourne Water infrastructure existed in the two properties:

- The Gardiners Creek Main Reliever Sewer Main runs the length of the eastern border of Wembley Park at 1000 Canterbury Road.
- Major water mains exist along the Surrey Park's southern border and a valve complex is located in the south-west corner of the Park.

No objection was offered to the Amendment provided the HO does not interfere with normal operations and maintenance works on Melbourne Water land.

Council Response

The Amendment does not apply the HO over assets managed by Melbourne Water and no further action is required.

However in the case of Surrey Dive (HO217) at 354 Elgar Road, Box Hill, Council describes the 'heritage place' as "*the waterhole and land within two metres surrounding*" in the Schedule to the HO. The heritage assessment refers to the former club room of the Swimming Club, now occupied by the Model Boat Club, as a place of heritage significance. The HO map also covers a larger area than the waterhole and includes the club room site.

Panel Findings

Neither of the heritage overlays, HO216 and HO217, effect the assets of Melbourne Water as outlined in its submission.

The Panel notes that in the Schedule to the HO, the extent of the Surrey Dive 'heritage place' is "*the waterhole and land within two meters surrounding*". However, the area shown on the Map covers a larger portion of the north-east corner of Surrey Park, including the Lake and Surrey Park Model Boat Club building.

The Panel is of the view that the Schedule entry to the HO127 should be amended to: "*The Surrey Park Model Boat Club building and the Waterhole and land within two meters surrounding*" to more closely reflect the heritage assessment and accord with the area depicted on the map.

Recommendation

The Panel recommends

The former Municipal Incinerator at 1000 Canterbury Road, Box Hill be included in the HO and that the citation be adopted.

Surrey Dive at 354 Elgar Road, Box Hill be included in the HO and that the citation be adopted, subject to the modification of description of the 'heritage place' in HO217 in the Schedule to the HO to state "The Surrey Park Model Boat Club building and the Waterhole and land within two meters surrounding".

6.4.5 Submission 6 - 800 Station Street, Box Hill (HO227)

Description

The residence at 800 Station Street is a single storey Victorian weatherboard house with slate roof (c.1888), on a large allotment of some 2600 m² (2/3 acre) at the south-east corner of Station and Tyne Streets, Box Hill North, west of the Tyne and Watts Streets Corner Precinct. The house, which is located close to the southern boundary of the property, has an extensive garden containing numbers of mature trees.

Significance

The Property at 800 Station Street, Box Hill constructed in 1888 is of historical significance to the City of Whitehorse for demonstrating a boom development period in the Box Hill Area. Station Street was a primary street of development during this boom and the surviving intact late Victorian villas along Station Street collectively demonstrate this significant period in Box Hill's history. The property was part of the 1888 Box Hill Township Estate and with residence commenced in 1888, would have been one of the earliest allotments developed as part of the Estate (Criterion A).

The residence on the property is a rare intact example of a substantial weatherboard villa from the late Victorian period in the Box Hill area (Criterion B).

The property at 800 Station Street, Box Hill is of aesthetic significance as a decorative late Victorian weatherboard villa with its symmetrical design, rendered decorative chimneys, front bay windows and verandah that follows the line of the bay windows. The site also retains its early setting and garden with mature exotic plantings (Criterion E).

The property has local significance for its association with the prominent resident Frank Tate. Frank Tate, a lecturer, and his wife Ada lived at

800 Station Street from 1889 until 1910. Tate was head teacher the Box Hill state school and later became Director of Education in 1921. It was upon Tate's recommendation that Box Hill Girls Technical School was established. The school was the first technical School established specifically for girls in Victoria (Criterion H).

Submission (David Fraser)

It was submitted on behalf of the owner that the property was in poor condition requiring major repairs and attention to the garden.

Council Response

Condition of properties is not a relevant consideration in a decision whether to apply the HO. The current Panel process is about reviewing the heritage significance of property. Such factors as the structural integrity of the building and cost implications of needed repairs are considered when a planning permit application is made. The intent of the HO is not to prohibit development but rather to trigger planning permit requirements, for most buildings and works, to ensure that any new development does not detract from the heritage significance of the place.

Panel Findings

The Panel viewed the property from both Station Street and Tyne Streets and noted that the original form and scale of the house is substantially intact. It agrees with the citation that 800 Station Street, Box Hill North, is of local historical and aesthetic significance.

Recommendation

The Panel recommends

800 Station Street, Box Hill North be included in the HO and that the citation be adopted.

6.5 Places to which no submissions received

6.5.1 Places proposed to be included in the Heritage Overlay

Of 27 individual places and one precinct identified as being of heritage significance in the exhibited Amendment, the Panel considers it significant that most owners have accepted the introduction of heritage controls.

No submissions were received in relation to the following properties:

- 778 Station Street, Box Hill (HO225);
- Tyne Street & Watts Street Corner Precinct (HO228);
- 35 Glen Ebor Avenue, Blackburn (HO231);
- 12 Lake Road, Blackburn (HO232);
- Burwood Cemetery 74-108 Burwood Highway, Burwood (HO233);
- 310 Burwood Highway, Burwood (HO234);
- 468 Mitcham Road, Mitcham (HO236);
- 96-106 Springvale Road, Nunawading (HO238);
- 747 Canterbury Road, Surrey Hills (HO239);
- 751 Canterbury Road, Surrey Hills (HO240); and
- 1/42 Newton Street, Surrey Hills (HO241).

It is generally, not proposed to provide comment on places proposed to be included in the Heritage Overlay in the Amendment where no submissions have been received. Three of these places however warrant specific comment by the Panel below.

6.5.2 468 Mitcham Road, Mitcham (HO236)

Description

468 Mitcham Road is double storey cream brick house in English Domestic Revival style, on the north-west corner of Mitcham Road and Agra Street, Mitcham.

Significance

The property at 468 Mitcham Road, Mitcham is of local historical significance for its representation of the boom development and character of the Mitcham area during the 1940s. It is historically significant as a rare surviving example of a villa with landscaped gardens that were prevalent along Mitcham Road in the 1930s and 40s and which have now been substantially lost (Criteria A & B).

The property at 468 Mitcham Road is of local aesthetic significance as an excellent example of a 1940s English Revival styled cream brick villa and landscaped gardens. Both the residence and gardens demonstrate key features of building and landscape design from the period. The form, materials and detail of the residence, front garden and front fence incorporate key characteristics of the style and era including the use of cream brick, the crazy stone cladding and the use of rock paths (Criteria D & E).

The property at 468 Mitcham Road is of local significance for its association with the prominent Walker family who established and managed the Australian Tessellated Tile Company. This residence was constructed for Keith walker who was the grandson of Edgar Edwards Walker and son of Joseph Stanley Walker who lived at 456 Mitcham Road. A number of other Walker family members had houses built within this Walker Estate area (Criterion H).

Council Response

Ms Egan for Council noted that although no submission was received in relation to 468 Mitcham Road, Council determined to delete the front garden controls identified in the exhibition HO schedule. This change was to ensure consistency in the approach adopted by Council in response to Submissions 7 (The Friary at Box Hill) and 17 (Mont Albert) in relation to vegetation/tree protection. Fence controls are however activated in the Schedule to the HO.

Panel Findings

The Panel viewed the property from the adjacent streets and is satisfied that that the house in its setting is of local heritage significance. However, no detailed evidence has been submitted regarding the design of the garden or the trees and shrubs that contribute to its structure. The Panel, therefore supports Council proposal to delete front garden controls from HO326 in the Schedule to the HO.

Recommendation

The Panel recommends

468 Mitcham Road, Mitcham citation be adopted and that the place be included in the HO subject to the deletion of front garden controls from HO326 in the Schedule to the HO.

6.5.3 Tyne Street and Watts Street Corner Precinct (HO228)

Description

The Precinct comprises a group of five Edwardian houses, 37 -43 Tyne Street and 81 Watts Street, Box Hill North. The houses, built between 1908 and 1913, are single storey, double fronted weatherboard construction with hipped corrugated iron roofs.

Significance

The Tyne and Watts Street Corner Precinct is of historical significance to the City of Whitehorse as a substantially intact precinct of houses developed at the same time by the same developer during the early 1900s. The precinct demonstrates the type of speculative development that occurred this period and the boom period of housing in the Box Hill North area. The precinct is a rare substantially intact precinct of weatherboard Edwardian residences within the City of Whitehorse with only the William Street Precinct being comparable (Criteria A & B).

The precinct is of aesthetic importance for its unity and degree of intactness. All the houses in the precinct are similar in style, detailing and materials. The same form used for houses at 81 Watts Street and 43 Watts Street unifies the precinct with three houses in between at 37-41 Tyne Street also having a common form. The five houses are good substantially intact examples of weatherboard Edwardian dwellings demonstrating key features characteristic of the style (Criterion E).

Council Submission

Council propose to update Clause 22.01 to include the Tyne Street and Watts Street Corner Precinct in the policy basis and the Heritage Assessments as a reference document.

Panel Findings

The Panel inspected the precinct and found the houses to be substantially intact and good examples of modest housing development in Box Hill North in the early 1900s. The Panel also supports the Statement of Significance and background historical information in the Heritage Assessment and concludes that inclusion of this Heritage Precinct in the HO is appropriate.

Recommendation

The Panel recommends:

The Tyne and Watts Street Corner Precinct, Box Hill North be included in the HO, Clause 22.01 be updated to include the precinct and that the citation be adopted.

6.5.4 310 Burwood Highway, Burwood (East Burwood Hall) (HO234)

Description

The East Burwood Hall (c 1925) is a single storey timber structure with a double storey projecting bay at the northern end. It is clad in horizontal weather boards with a gabled corrugated iron roof.

Significance

East Burwood Hall is of historical significance to the City of Whitehorse as an early surviving public building in the Burwood area. Constructed in 1925, the hall dates from and is a visual reminder of the period when Burwood was a rural suburb. The hall is of historical importance as a rare surviving community hall also used as a film screening venue. The hall was used for screening films from 1925 until the 1960s. The East Burwood Public Hall is of historical significance for its use as a public venue by various community groups for dances, public meetings, election polling and fund raising functions since the 1920s (Criteria A & B).

The East Burwood Hall is substantially intact from its date of construction and demonstrates the principal characteristics of a 1920s weatherboard community and picture hall. Particularly in relation to the building form required to accommodate the film projection at the front of the building. The key attributes of a weatherboard hall are demonstrated in the East Burwood Hall, which are characterised by a gabled roof form, weatherboard cladding, timber framed windows (Criteria D & E).

The East Burwood Public Hall has social significance for its association with the local community in particular the East Burwood Football Club, local residents who attended dances and films as well as other fundraising social functions (Criterion G).

Council Submission

The 'East Burwood Reserve' within which the East Burwood Hall at 310 Burwood Highway is located, is a key redevelopment site. Development in the Tally Ho Major Activity Centre (interim policy expiring 31 January 2013) is guided by its reference document, the Tally Ho Urban Design Framework

2007. However, Council envisages that: *“the building’s use will be a consolidation and sharing of facilities with no potential for future built form offered. The HO to the East Burwood Hall will not impinge of the overall ability of the Tally Ho MAC to achieve the vision of the UDF”.*

Panel Findings

The East Burwood Hall at 310 Burwood Highway is a surviving example of early rural community hall and the citation indicating it to be of local historical, aesthetic and social significance to the City of Whitehorse is appropriate. The extent of the heritage place (the hall site plus 2 metres surrounding) will not adversely affect planning within the Tally Ho MAC.

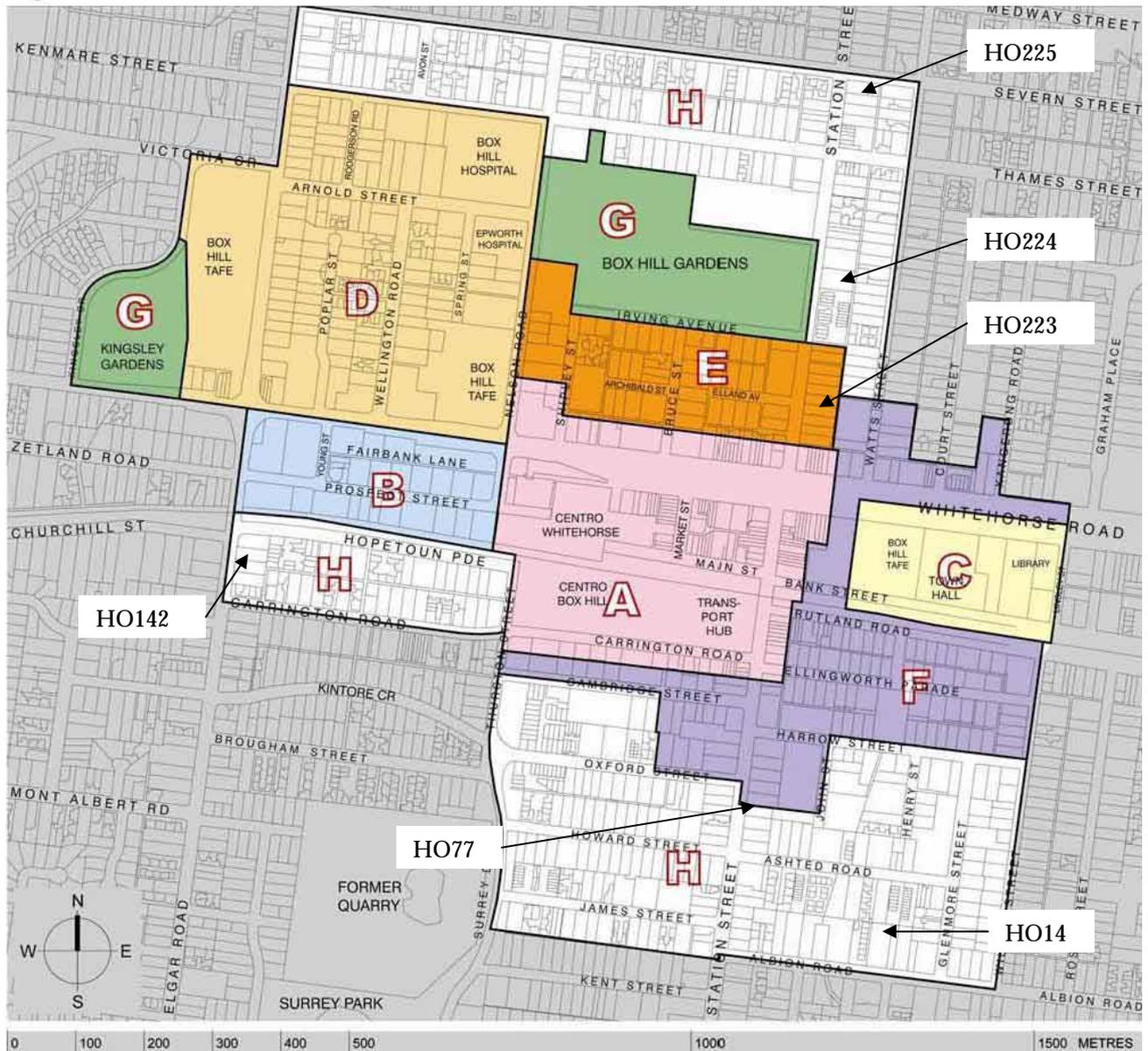
Recommendation

The Panel recommends:

East Burwood Public Hall at 310 Burwood Highway be included in the HO and that the citation be adopted



Figure 2 Categories of Change Map (from Map 1 Clause 22.03 Residential development)



- A** Box Hill Transport & Retail Precinct: Retail sustained throughout the area complemented by entertainment, hospitality, commercial and other uses with extended hours of activity creating a central focus for Box Hill.
- B** Prospect Street Precinct: Consolidation as the primary office precinct in the activity centre.
- C** Civic & Eastern TAFE Precinct: Consolidation of cultural, community and educational facilities in the precinct.
- D** Hospital & Western TAFE Precinct: Growth and enhancement of educational and medical institutions and support for related businesses and services, plus high density residential (including student housing).
- E** Box Hill Gardens Precinct: Provision for significant high to medium density residential growth with small scale offices, limited retail and community services and retail to activate ground level street frontages.
- F** Southern & Eastern Precincts: Mix of office and retail uses responding to prominent Whitehorse Road and Station Street frontages, and mixed use (residential) as transition to purely residential precincts.
- G** Box Hill Gardens & Kingsley Gardens: Convenient access to high quality public open space and recreational opportunities within the activity centre.
- H** Residential Precincts: The areas' residential role and amenity protected but medium density residential development encouraged. (Most areas surrounding the study area are also residential.)

Figure 3 Activity Precincts – from Box Hill Transit Activity Centre Structure Plan 2007

6.6 Areas of Change Policy and the Heritage Overlay

Council requested the Panel's direction on the implications of the Minister's Authorisation condition and the inconsistencies created with Clause 22.03 of the Scheme that specifies that minimal change areas will apply to places protected by the Heritage and Environmental Significance Overlays to reflect their intrinsic heritage and environmental qualities.

The Amendment

In summary, the following are the principal drafting changes to the Whitehorse Planning Scheme proposed in the Amendment:

- The Strategic Framework Plan at Clause 21.04 is amended to show 25 additional places in a Minimal Change Area; (refer Figure 1)
- In the "Overview" in Clause 21.06 the sentence is inserted: *"Residential Zoned sites of recognised local heritage significance located within the Box Hill Central Activity District will not be subject to the minimal change area."*
- The Tyne Street and Watts Street Corner Precinct is added to the Statements of Significance for heritage precincts at Clause 22.01-1;
- References to the "City of Whitehorse Heritage Assessment 2010" is inserted into Clauses 22.01-1, 22.01-3 and 22.01-5;
- At Clause 22.03-6 "Areas of Minimal Change" are proposed to be defined as the *"areas identified for their unique environmental, streetscape or heritage qualities"*. In addition *"Areas identified for their heritage qualities are located in the heritage overlay"* is added at the end of the first paragraph;
- The Minister's Authorisation (A01900 of February 2011) for the Amendment was subject to a requirement that: *'reference be removed from the changes to the Strategic Framework Plan map at Clause 21.04 and the Categories of Change map at Clause 22.03 that include properties within the boundary of the Box Hill Central Activities District, as defined by the study area in the Box Hill Transit City Activity Centre Structure Plan, June 2007'*. The Minister indicated that: *'While heritage is important to all areas of Melbourne, including Central Activities Districts it is not considered appropriate to restrict development further by designating additional minimal change areas within the Box Hill CAD'*.

The Amendment includes three proposed heritage sites within the Box Hill CAA that are excluded from the minimal change area namely: 710, 738 and 778 Station Street, Box Hill in accordance with the Minister's condition of Authorisation.

Two other heritage places in the Amendment are located in other Activity Centres. However, as these places are not within Residential, Mixed Use or Priority Development Zones, Clause 22.03 does not apply. A further

amendment would be necessary if it is intended to include all places of heritage significance, within the HO, in minimal change areas. The places are as follows:

- HO235 covering 327 Warrigal Road, Burwood (Refer Section 6.3.8 below) within the Burwood Village Neighbourhood Activity Centre (refer *“Burwood Village Neighbourhood Activity Centre, Looking Towards the Future 2008”*, reference document in Clause 22.06).
- HO234 covering East Burwood Hall at 310 Burwood Highway in the ‘East Burwood Reserve’ within the Tally Ho Activity Centre (refer Clause 22.06 Activity Centres and Clause 22.08 interim policy to January 2013).

Council policy and response

The MSS and Local Planning Policy Framework sets out among other things, comprehensive policy relating to environment, heritage, housing and residential development, and activity centres. The MSS acknowledges the regional role of the Box Hill centre and gives strategic priority to redevelopment in the area designated within the Box Hill CAA.

The Amendment in Clause 21.06.1 states that the Box Hill CAA is of particular importance and that: *“Residential zoned sites of recognised heritage significance located within the CAA will not be subject to the minimal change area”*. This statement accords with the Minister’s direction. The Strategic Framework Map at Clause 21.04 (refer Figure 1) depicts portion of the area surrounding the Box Hill CAA as *“Proposed Substantial Change Areas subject to Development of Implementation Plans”*. Three places proposed to be included in the HO in the Amendment are within this Substantial Change area.

Clause 22.07 Box Hill Central Activities District (CAA) is the current interim policy (to be incorporated into the Scheme on a permanent basis via Amendment C127 per request dated 31 August 2011). Refer Figure 3 *Box Hill Transit City Activity Centre Structure Plan 2007*. The Structure Plan is a reference document to Clause 22.07 providing policy direction for the CAA.

The Structure Plan objectives seek to preserve heritage features as follows: (Refer section 4.8.C of the Structure Plan):

‘Although substantial redevelopment in the Activity Centre is expected, and encouraged, it is important to maintain a sense of continuity with its history ... It is also desirable to retain diversity in architectural character rather than creating a uniform and bland environment. It is also usually more effective to retain and build upon character rather than applying a contrived character to place that which has been lost. The cultural significance of heritage buildings and landscapes should be protected and used as an integral part of a newly-developing sense of place’.

Clauses 21.06 Housing, based on the City of Whitehorse Housing Study (February 2003), nominates 'categories of change areas' namely: Minimal, Natural and Substantial Change Areas. Council has stated that the Amendment will respond directly to Clause 21.06 by seeking to apply the appropriate categories of change to the places in recognition of their heritage significance. The Clause indicates that: "*Areas of minimal change are those areas which have recognised heritage, environmental and landscape significance*".

Council considers it more logical to ensure consistency with Clause 21.06 (MSS Housing Strategy) and ensure that all HO sites should be included in the minimal change area irrespective of their location. This was preferable to "*providing location-dependent exceptions within the Clause. Planning permit applications would then be assessed on their merits and balanced – as they are now - against a range of policy objectives.*". It also suggested that: "*there are many opportunities within the Box Hill CAA where substantial change can occur, without impacting on places of heritage significance.*"

Clause 22.03 Residential Development sets out the Categories of Change and Character Areas intended to maintain and enhance the character of the City's residential areas (refer Figure 2 above). Clause 22.03-3 Policy, states that it is policy that:

"Council will ensure that the following Statements of Desired Character, Design Objectives and Design Response standards will be applied to all applications for dwellings and subdivisions in the specified Character Area, Institutional or other large strategic sites".

Ms Egan for the Council at the hearing noted that:

"Presently, all residentially zoned sites located within the Significant Landscape, Neighbourhood Character, Environmental Significance and Heritage Overlays are subject to the minimal change area in recognition of their intrinsic landscape, environmental and heritage qualities (as per Clause 22.03-6 Areas of Minimal Change). This policy directive is supported by the Housing Study, which nominated that areas of special quality – irrespective of their proximity to activity centres – require inclusion in the minimal change area. This was justified on the basis of nominating alternative sites capable of accommodating higher density as substantial change."

In the Amendment, Council has proposed to add "*or heritage qualities*" to the current Clause 22.03-6 Areas of Minimal Change, which identifies areas of "*unique environmental or streetscape qualities.*" The Amendment also adds at the end of 22.06-3 "*areas identified for their heritage qualities are located in the HO*". These changes are intended to ensure that heritage is considered as an

important quality when consideration is being given to development applications in Areas of Minimal Change.

Ms Egan for Council also pointed out that:

“the minimal change area is not a permit trigger, but rather a policy directive used to guide the assessment of planning permit applications in residential zones, balanced with a number of often competing planning objectives. The HO remains the permit trigger and the places will remain in the CAA.”

The purpose of the amendment is to enable the conservation and enhancement of the places through demolition permit triggers. Although the Neighbourhood Character Overlay also provides such triggers, it is only intended as an interim measure until appropriate new development opportunities are proposed, thereby placing the emphasis on character and amenity. Conversely, the HO provides demolition triggers in the aim of preserving historical significance and is therefore the most appropriate planning control.

The Planning Scheme already contains three heritage places located within the Box Hill CAA, subject to the HO and the minimal change area (Refer Residential Development Policy 22.03 included by Amendment C50 Part 1) The Amendment will effectively remove the ‘minimal change’ status from these places in consequence of the Minister’s recent Authorisation condition. The places in the southern portion of the CAA (shown on Figure 3) include:

- 2-6 Oxford Street, Box Hill (HO77 partial HO/minimal change only)
- 29 Albion Road, Box Hill (HO14 Banff)
- 434 Elgar Road, Box Hill (HO142)

Council noted that the Box Hill CAA is only partially affected by the Substantial Change Area and that the Natural Change Area affects remaining residential areas in the centre.

Panel Comment

Council has pointed out that Panels have previously supported the principle of including places with recognised significant characteristics in minimal change areas. The Panel in Amendment C46 Part 2 commented:

‘whilst application of the overlay controls to the two precincts will limit density of development that may be constructed on lots in those areas, the Panel is satisfied that the[ir] special character ... justifies the limitations on development. Furthermore, provision has been made for higher density development elsewhere in the municipality, which is intended to

satisfy the urban consolidation objectives of the SPPF and Melbourne 2030'.

It is clear that the MSS and LPPF recognise the importance of places subject to the HO and requires that use and development of heritage places is to be sensitive to their importance, integrity, character and appearance and that they are protected for their historic and aesthetic value and character.

The Panel in Amendment C50 Part 1 discussed the circumstance where the HO affects land within Character precincts. It recommended that: *'in assessing development applications, the provisions of heritage policy and the Schedule to the HO should be complimented by the Design Objectives and Responses (of the character precincts) as appropriate'.*

The Panel in Amendment C50 also pointed out that the Heritage policy is the primary tool used in dealing with applications within a HO and in suggesting that a link be provided to the Design Objectives and Design Responses of the character areas, it said: *"Although it might appear a "belt and braces" approach, "...as the heritage overlay includes the key Statements of Significance for the heritage precincts and sets out all the matters for consideration by both the applicant and the responsible authority, the inclusion of a linking paragraph" ... "will have the effect of providing these parties with the complete range of matters to consider in one place."*

The Panel is of the view that similarly, a strong parallel exists with the application of minimal change area policy and the objectives and guidelines of the Heritage policy and the HO. The Areas of Minimal Change policy currently identifies *"areas of unique environmental or streetscape qualities"*, to which for clarity, the Amendment proposes to add *"or heritage qualities"*. The Minimal Change area objective (Clause 22.03-6) is to maintain dwelling numbers and lots to respect the special qualities of these areas. As far as heritage places, covered by the HO and 'minimal change' objectives, policy implementation relies on the provisions of the Heritage policy and the HO.

The Amendment to Clause 21.06, excludes from the minimal change area, the three separate sites in the Residential 1 Zone namely: 710, 738 and 778 Station Street, Box Hill, proposed for inclusion in the HO in the Box Hill CAA, to accord with the Minister's condition of Authorisation. This condition is at odds with the provisions of Clause 22.03 Residential Development, which recognises the need to respect the special qualities of places in Residential Zones included in minimal change areas.

The Panel therefore agrees with Council that there is inconsistency between the previously approved Residential Development policy (Clause 22.03) and the Minister's condition in respect to the treatment of significant heritage

places in the Box Hill CAA. The Panel notes that the Activity Centre Structure Plan contains sets of guidelines relating to land uses (Activity Precincts – refer Figure 3) and built form concepts (Built Form Precincts). The precincts, within which the heritage places are located, are generally on the periphery of the CAA in Residential precincts. The Plan seeks to encourage higher residential densities at the same time protecting the areas residential role and amenity including built form character. The Panel agrees with Council's position at the hearing that: *"Given the scale of the buildings and the size of the relevant allotments, the ability for the three sites and adjoining sites to achieve the respective land use and built form, objectives will not be compromised through the proposed application of the HO. Therefore the Amendment meets the objectives of Clause 22.07"* (Box Hill Central Activities District (CAA)). The Panel considers that the preferable and more consistent approach is for the adoption of the minimal change area for heritage places within the HO in the Box Hill CAA, as occurred in the earlier amendments, which included in the southern part of the CAA, three heritage places in the HO and minimal change area (refer Figure 3).

The Panel is firmly of the view that the consistent application of the minimal change area policy to the heritage sites in the Box Hill CAA will emphasise the importance of heritage and character area objectives in the scheme when consideration is being given to development applications.

The Panel also recognises that many competing objectives need to be balanced when changes affecting places identified as of heritage significance, are considered for possible redevelopment. However, required reference to the Heritage Assessments and Statements of Significance set out the key heritage attributes of the place and facilitates judgement as to the extent of change and adaptation that is acceptable while conserving their heritage significance. This essentially occurs at the application stage, where either the potential for loss or unacceptable change to a significant heritage building, or the isolation of the building in or adjacent to unsympathetic development is properly addressed.

Panel Findings

Clearly, the MSS and LPPF recognise the importance of heritage places and requires that the use and development of such places, within the HO, be respected for their heritage significance, a policy direction also reflected in the objectives for the Box Hill Activity Centre Structure Plan. The Panel therefore supports the application of the minimal change area to sites and precincts of heritage significance within the HO, throughout the City of Whitehorse. In addition, given the limited number of heritage places within the HO in the Box Hill CAA, the exclusion of these places from the minimal change area is both inconsistent with past practice and unnecessary, in that

the heritage policy objectives and requirements in the HO provide the basis for consideration of development applications in any event.

Recommendation

The Panel recommends:

Minimal change areas be applied to places protected by the Heritage Overlays to reflect their heritage qualities. The proposed amendment to the 'Overview' Clause 21.06 be deleted to ensure consistency with the heritage objectives of the SPPF, MSS and local policy in the Planning Scheme.

7. Recommendations

Based on the reasons set out in this Report, the Panel recommends that:

Amendment C140 to the Whitehorse Planning Scheme should be adopted subject to the following recommendations.

The Panel recommends:

1. The surviving portion of the former Guide Hall at 4 Linsley Street, Box Hill does not meet the threshold for historical and/or aesthetic significance, and the property not be included in HO.
2. The whole of the property at 1050-1040 Whitehorse Road be included in the HO and the citation and the Schedule to the HO be amended to identify only the 1935 portion of the Box Hill Fire Station which meets benchmarks for historical and aesthetic significance (Criteria A and E) for the City of Whitehorse.
3. 60 Shannon Street, Box Hill North is not of sufficient significance to warrant heritage protection and the property not be included in the HO.
4. 115 Shannon Street, Box Hill North be included in the HO and that the revised citation, dated September 2011 be adopted.
5. 738 Station Street, Box Hill be included in the HO and that the revised citation dated October 2011 be adopted.
6. 781 Station Street Box Hill be included in the HO and that the revised citation, dated September 2011 be adopted.
7. 710 Station Street Box Hill (Masonic Hall) is not of sufficient significance to warrant heritage protection and the property not be included in the HO as it does not meet the thresholds for local historic, aesthetic or social significance.
8. 1 Clarke Street Blackburn (Masonic Lodge) be included in the HO and that the revised citation, dated September 2011, be adopted.
9. The former bakery at 327 Warrigal Road, Burwood be included in the HO and that the revised citation dated September 2011 (excluding the reference to clay-related industries) be adopted.

10. 1 Lightfoot Street Mont Albert be included in the HO and that the revised citation, dated September 2011 be adopted.
11. 467 Station Street Box Hill be included in the HO and that the revised citation, dated September 2011 be adopted.
12. 28-30 Asquith Street, Box Hill South be included in the HO and that the revised citation, dated September 2011 be adopted.
13. St Paschals Friary at 90-100 Albion Road, Box Hill be included in the HO and that the citation be adopted.
14. The Box Hill Cemetery at 358 Middleborough Road, Box Hill be included in the HO and that the citation be adopted.
15. The former Municipal Incinerator at 1000 Canterbury Road, Box Hill be included in the HO and that the citation be adopted.
16. Surrey Dive at 354 Elgar Road, Box Hill be included in the HO and that the citation be adopted, subject to the modification of description of the 'heritage place' in HO217 in the Schedule to the HO to state "The Surrey Park Model Boat Club building and the Waterhole and land within two meters surrounding".
17. 800 Station Street, Box Hill North, be included in the HO and that the citation be adopted.
18. 468 Mitcham Road, Mitcham citation be adopted and that the place be included in the HO subject to the deletion of front garden controls from HO326 in the Schedule to the HO.
19. The Tyne and Watts Street Corner Precinct, Box Hill North, be included in the HO, Clause 22.01 be updated to include the precinct and that the citation be adopted.
20. East Burwood Public Hall at 310 Burwood Highway be included in the HO and that the citation be adopted.
21. Minimal change areas be applied to places protected by the Heritage Overlay to reflect their heritage qualities. The proposed amendment to the 'Overview' in Clause 21.06 be deleted to ensure consistency with the heritage objectives of the SPPF, MSS and local policy in the Planning Scheme.