

Planning and Environment Act 1987

Panel Report

Whitehorse Planning Scheme

Amendment C164

Heritage Overlay

12 January 2015

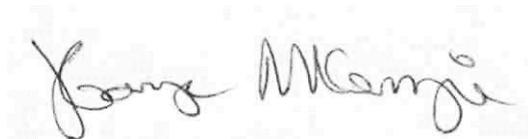


Planning and Environment Act 1987

Panel Report pursuant to Section 25 of the Act

Whitehorse Planning Scheme Amendment C164

Heritage Overlay

A handwritten signature in blue ink that reads "Gaye McKenzie". The signature is written in a cursive style with a large initial 'G'.

Gaye McKenzie, Chair

A handwritten signature in blue ink that reads "Boyce Pizzey". The signature is written in a cursive style with a large initial 'B'.

Boyce Pizzey OAM, Member

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List of Abbreviations

DTPLI	Department of Transport, Planning and Local Infrastructure
HO	Heritage Overlay
LPP	Local Planning Policy
LPPF	Local Planning Policy Framework
MSS	Municipal Strategic Statement
NCO	Neighbourhood Character Overlay
PPV	Planning Panels Victoria
RAIA	Royal Australian Institute of Architects
SPPF	State Planning Policy Framework

Executive Summary

(i) Summary

As exhibited, Amendment C164 to the Whitehorse Planning Scheme proposes to amend Maps 1HO, 2HO and 6HO and the Schedule to Clause 43.01 to apply the Heritage Overlay to 15 Hopetoun Parade, Box Hill, 127 Whitehorse Road, Blackburn and land in the precinct known as the Blue Flame Project (properties in Shalimar and Parkleigh Courts and two properties in Fortescue Grove), Vermont South.

Following exhibition and receipt of submissions the Council resolved to remove 15 Hopetoun Parade from the Amendment and re-insert it in Amendment C157. This decision was made on the basis that the dwelling on this property was not under immediate threat of demolition.

Amendment C164 also amended Clause 22.01 'Heritage Buildings and Precincts' to refer to the land over which the Heritage Overlay was to be applied. Post-exhibition this was revised to remove references to 15 Hopetoun Parade, Box Hill.

A total of 26 supporting submissions and three opposing submissions (lodged by and on behalf of the land owner) were received in relation to 127 Whitehorse Road.

Of the five submissions received in relation to the Blue Flame Project, two opposed, one supported and two raised concerns with the Amendment.

The Panel heard from the one supportive submitter of the Blue Flame Project who subsequently advised the Panel and Council, post-hearing, of her intention to withdraw her support of the Amendment. The fact that this change of position occurred post-hearing is a matter for the Council, as the Planning Authority, to consider. In relation to 127 Whitehorse Road, the Panel heard from legal counsel on behalf of the owner of that property who called witnesses in opposing the Amendment. The Council called Mr Reeves, the author of the post 1945 Heritage Study, as its witness. None of the submitters supporting the inclusion of 127 Whitehorse Road in the Heritage Overlay appeared at the Hearing. The Panel has considered their written submissions in forming its opinions.

Having considered submissions and evidence put to it at the Hearing, along with the supplementary submission from Counsel for the owner of 127 Whitehorse Road, the Panel determined that it could attach little weight to the *City of Whitehorse Post-1945 Heritage study – Thematic Environmental History; Citations for Places and Precincts*. This was because it was in a draft form that, at the time of the Hearing, had not been considered by Council or made available for public comment. Also, the draft copy provided to the Panel and submitter was incomplete, having had sections removed that related to properties that were not part of the Amendment, and therefore not currently in the public arena.

The incomplete nature of the Study provided to the Panel, and needless to say the owner of 127 Whitehorse Road, was unhelpful in considering the heritage significance of that property and, to a lesser extent, the Blue Flame Project. This being the case the Panel relied on the information contained in the citations prepared by Mr Reeves of Built Heritage, and his evidence at the Hearing.

In the case of the Blue Flame Project, based on the extent of information available to the public and submissions and evidence provided at the Hearing by Council, its expert and the

submitter, the Panel was satisfied that the local significance of this Project had been demonstrated. On this basis the Panel supports the application of the Heritage Overlay to this precinct in Vermont South, as proposed by the Amendment.

The Panel was not however satisfied that the material provided to it in respect of 127 Whitehorse Road, Blackburn supports the application of the Heritage Overlay. As referred to in this Report the Panel believes the changes made to the exterior and interior of the building over a number of years by previous and present occupants, and the fact that the proposed park-like setting was not realised, has diminished any historic or architectural significance the building may have had, to the point that it believes it does not meet the threshold to support the application of the Heritage Overlay. Furthermore the historical associations with E G Greenway and her art pottery were reduced because the intended memorial was never fully realised and the process carried out on the site changed, with the death of Ellen Greenway, to mass produced slip-moulded ceramics.

Based on the submissions and evidence the Panel has recommended that the Heritage Overlay not be applied to 127 Whitehorse Road, Blackburn and that all references to it be removed from Clause 22.01, Heritage Places and Precincts.

(ii) Recommendation

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

- 1. Amendment C164 to the Whitehorse Planning Scheme be adopted as exhibited subject to the following modifications:**
 - a) Heritage Overlay HO274 being removed from Map 2HO and the Schedule to Clause 43.01 for 127 Whitehorse Road, Blackburn.**
 - b) All references to 127 Whitehorse Road in Clause 22.01 being removed, as set out in the revised version of this Clause in Appendix C.**

1 Introduction

Whitehorse Planning Scheme Amendment C164 (the Amendment) was prepared by the Whitehorse City Council as Planning Authority. As exhibited, the Amendment proposes to:

- Amend Clause 22.01 – Heritage Buildings and Precincts;
- Modify the Schedule to Clause 43.01 – Heritage Overlay;
- Apply the Heritage Overlay to:
 - 127 Whitehorse Road, Blackburn (HO274);
 - 3 and 5 Fortescue Grove, 2, 3, 4, 5, 6, 7, 8, 9 and 11 Shalimar Court, 1, 2, 3, 4, 5, 6, 7, 8 and 9 Parkleigh Court and 3 and 5 Fortescue Grove, Vermont South (Blue Flame Project) (HO273); and
 - 15 Hopetoun Parade, Box Hill (HO268).

The Amendment was authorised by the Department of Transport, Planning and Local Infrastructure (DTPLI) on 29 January 2014.

The Amendment was placed on public exhibition between 19 June and 21 July 2014 and a total of 37 submissions (including two late submissions) were received.

Of these, two were from authorities that raised no objection to the Amendment.

A total of 26 supporting submissions (20 of which were pro-forma letters) were received in relation to 127 Whitehorse Road, Blackburn and three opposing submissions (including a memorandum from the architect) were received from and on behalf of the owner of this property.

Of the five submissions received from owners of land in the Blue Flame Precinct, two expressed concern, two opposed and one supported the amendment.

The submission from the owner of 15 Hopetoun Parade, Box Hill requested that consideration of applying the HO to this property be deferred to enable a full submission to be made.

At its meeting of 18 August 2014, Council resolved to refer the submissions it received in relation to 127 Whitehorse Road, Blackburn and the Blue Flame Project, Vermont South to a Panel. Furthermore, the Council determined that as 15 Hopetoun Parade, Box Hill was not under immediate threat of demolition, it be removed from the subject Amendment and re-inserted into Amendment C157.

A Panel to consider Amendment C164 was appointed under delegation from the Minister for Planning on 3 September 2014 and comprised Gaye McKenzie (Chair) and Boyce Pizzey, OAM (Member).

A Directions Hearing was held in relation to the Amendment on 7 October 2014. Following the Directions Hearing, the Panel undertook unaccompanied inspections of the subject sites and their surrounds.

The Panel then met in the Civic Offices on 12 and 13 November 2014 to hear submissions in respect of the Amendment. Those in attendance at the Panel Hearing are listed in Table 1.

An accompanied inspection of the interior and exterior of the building at 127 Whitehorse Road was conducted on Day 1 of the Hearing.

Table 1 Parties to the Panel Hearing

Submitter	Represented by
Whitehorse City Council	Ms Pamela Neivandt Senior Strategic Planner, City of Whitehorse who called the following expert witness: <ul style="list-style-type: none"> - Simon Reeves, Heritage Consultant of Built Heritage Pty Ltd
Ms Shirley Ryan	
Blackburn Gurdwara	Ms Susan Brennan, SC and Ms Jane Sharp, Barrister instructed by Fulcrum Urban Planning Pty Ltd who called the following expert witnesses: <ul style="list-style-type: none"> - Mr Kai Chen of Lovell Chen, Architects and Heritage Consultants - Mr Bryce Raworth of Bryce Raworth Pty Ltd Conservation and Architectural Historian - Mr Inderjit Jasal (Lay witness) of the Blackburn Gurdwara

In reaching its conclusions and recommendations, the Panel has read and considered the submissions and a range of other material referred to it. This includes written submissions, evidence and verbal presentations. The following chapters of this report discuss the issues raised in submissions relating to the Amendment in further detail, with the Panel's conclusions and recommendation provided in the Executive Summary.

2 Preliminary matter

On 11 November 2014, Fulcrum Urban Planning Pty Ltd wrote to Planning Panels Victoria advising that Council had refused a request to provide it with a copy of the City of Whitehorse Post-War Heritage Study, which was referred to in the Explanatory Report of the Amendment, and relied upon by Mr Reeves in his evidence for Council. The Panel was advised this refusal was based on the fact that it was not a public document and it contained sensitive material. The Panel was advised by Fulcrum that this matter would be raised as a preliminary matter at the Hearing.

The Panel subsequently contacted Council and was advised that this was a confidential document that contained highly sensitive material, unrelated to 127 Whitehorse Road, and it was yet to be reported to Council for its consideration. Ms Neivandt requested confirmation from PPV that if a full copy of the Study was provided it would only be viewed by the Panel.

At the Hearing the Council reiterated its advice that it was not prepared to provide a full copy of the Study to the owner of 127 Whitehorse Road.

Ms Brennan stated that the refusal to provide a document that was being relied on by Council and its witness was in breach of Section 18 of the *Planning and Environment Act 1987* and the fact that it had not been adopted by the Council was irrelevant in providing a copy to her client.

On the second Hearing day a copy of the Study that removed all citations along with text relating to other properties, not part of Amendment C164, was provided to the Panel and Counsel for 127 Whitehorse Road.

At the conclusion of the Hearing, the Panel agreed that Counsel for the owner of 127 Whitehorse Road could make a further written submission, concerning this Study to the Panel, with a copy to Council. This was to be submitted to the Panel, with a copy to Council, by 3 December 2014.

The Panel received an electronic copy of this further submission on 5 December 2014. This is discussed in Chapter 5 of this report.

As a further preliminary matter Ms Brennan referred to the fact that Section 12(2)(c) of the *Planning and Environment Act 1987* now required Council to consider social and economic matters in considering an amendment. It was her opinion that this requirement had not been adequately dealt with by Council. This matter is discussed in Chapter 5.4 of this report.

3 The Proposal

3.1 Background to the Amendment

In 2012, Coleman Architects Pty Ltd was appointed to undertake work on the pre-1945 Individual Heritage Places and Former Precincts Review. This review was intended principally to address the outstanding recommendations of the City of Whitehorse Heritage Review 2001, by Andrew Ward and Associates, and the City of Whitehorse Potential Heritage Framework prepared by HLCD Pty Ltd in 2008.

The 2001 Review resulted in over 440 individual places and 14 precincts being identified for future assessment.

The 2008 Study was commissioned by Council to establish an appropriate process to progressively address the assessment of the remaining places.

The Project Brief for the 2012 Study was changed during its development to make 1945 the cut-off point of the Study. The Report stated that this was done to provide a clear distinction between the inter-war and post WW2 periods which were commonly used to identify periods of architectural and social development in Australia.

Under the heading *'Further assessment of Heritage Places'* in Chapter 4.3 of this Study it was recommended that priority be given to *'undertaking a Post-World War 2 Heritage Study to identify places of significance from this period.'* It went on to say that *'residential buildings and precincts from the post-war period are poorly represented in the overlay and due to a general lack of recognition are vulnerable to demolition and significant change in the immediate future.'*

The draft Whitehorse Heritage Review (2012) recommended the HO be applied to 32 new heritage places. This list included 15 Hopetoun Parade, Box Hill.

Built Heritage Pty Ltd was commissioned by the City of Whitehorse in October 2013 to undertake a review of building stock across the municipality that dated from the period following the Second World War. The Study was comprised of the following stages:

- Preparation of a supplementary thematic environmental history.
- Compilation of a master list of places and areas of potential heritage significance.
- Identification of highest priority places for detailed research and assessment.
- Preparation of outline citations.
- Preparation of full citations.
- Preparation of a draft report.

The 'preliminary draft' Post-1945 Heritage Study recommended 30 places for heritage protection, including 127 Whitehorse Road, Blackburn and the Blue Flame Project, Vermont South.

Amendment C164 (the Amendment) was prompted by the following actions:

- A s29A application under the *Building Control Act 1993* to demolish the house at 15 Hopetoun Road, Box Hill;
- A planning application to redevelop 127 Whitehorse Road, Blackburn, which included demolition of the existing industrial building;

- A planning application to build three dwellings (requiring demolition of the existing dwelling) on a property in the Blue Flame Project.

Following exhibition of the Amendment and consideration of the submission from the owner of 15 Hopetoun Road, Box Hill, who stated there was no intention to demolish the dwelling at this time, it was removed from the Amendment and 'reinserted' in Amendment C157.

3.2 The Amendment

As exhibited, the Amendment sought to implement recommendations of the *Whitehorse Heritage Review 2012 (Draft)* in relation to 15 Hopetoun Parade, Box Hill and the *Post-1945 Heritage Study (Preliminary Draft)* undertaken by Built Heritage Pty Ltd, in relation to 127 Whitehorse Road, Blackburn and the Blue Flame Project, Vermont South, by amending the Schedule to the Heritage Overlay and Heritage Overlay maps.

Clause 22.01 was also amended by inserting references to the citations prepared for 15 Hopetoun Parade, Box Hill (by Coleman Architects Pty Ltd) and 127 Whitehorse Road, Blackburn and the Blue Flame Project, Vermont South (by Built Heritage Pty Ltd).

A Statement of Significance for the Blue Flame Project was inserted in the clause on heritage precincts and references to the two individual places and the precinct were inserted into the policy for subdivision, demolition and removal of buildings and new buildings and works.

The citations prepared for the two individual places and the precinct were to be inserted as Reference documents in the Scheme.

3.3 Post exhibition changes to the Amendment

Following the decision of Council to remove 15 Hopetoun Parade, Box Hill from this Amendment and re-insert it in Amendment C157, it amended Clause 22.01 deleting references to this property.

3.4 Issues dealt with in this report

The Panel considered all written submissions, as well as submissions presented to it 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 observations from inspections of 127 Whitehorse Road and its environs and properties in the Blue Flame Project and its environs.

This report deals with the issues under the following headings:

- Strategic Planning Context;
- General Issues;
- The Blue Flame Project, Vermont South (HO273);
- 127 Whitehorse Road, Blackburn – Former E G Greenway Factory (HO274).

4 Strategic Planning Context

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

The Panel has reviewed the policy context of the Amendment and made a brief appraisal of the relevant zone and overlay controls and other relevant planning strategies.

4.1 Policy framework

4.1.1 State Planning Policy Framework (SPPF)

Council submitted that the Amendment is supported by the following clauses in the SPPF.

- Clause 11.02 – Settlement, *'by retaining and protecting the unique characteristics of an established area in the form of a heritage building'*.
- Clauses 15.01-5 and 15.03 – Built Environment and Heritage which seek to recognise, protect and conserve places of heritage significance and places that add to cultural identity.

4.1.2 Local Planning Policy Framework (LPPF)

Council submitted that the Amendment is supported by the following provisions of the Local Planning Policy Framework.

Municipal Strategic Statement (MSS)

Clause 21.05 – Environment – The Amendment responds to this clause by seeking to *'protect and enhance areas with specialcultural or historic significance for the future enjoyment of the community.'*

Local Planning Policy (LPP)

Council submitted that the Amendment supports Local Planning Policy at Clause 22.01 – Heritage Buildings and Precincts which includes the Objective *'to ensure that all possible avenues are pursued to ensure the conservation of heritage sites and that demolition is allowed only where here are extenuating circumstances.'*

It was the Council view that extenuating circumstances did not apply to 127 Whitehorse Road or the Blue Flame Project to support demolition and therefore the appropriate course was to ensure their conservation via heritage protection.

4.2 Planning scheme provisions

The Amendment does not change any other existing planning scheme provisions.

4.3 Plan Melbourne

The Council submitted that the Amendment supports Plan Melbourne, which recognises the importance of Melbourne's heritage.

4.4 Ministerial Directions and Practice Notes

The following Ministerial Directions and Practice Notes apply to Amendment C164.

- The Form and Content of Planning Schemes.
- Ministerial Direction No 11 – Strategic Assessment of Amendments.
- Ministerial Direction No 15 – the Planning Scheme Amendment Process.
- Practice Note 1 – Applying the Heritage Overlay September 2012.
- Practice Note 13 – Incorporated and Reference Documents October 2013.
- Practice Note 46 – Strategic Assessment Guidelines.

4.4.1 Applying the Heritage Overlay (HO)

The VPP Practice Note *Applying the Heritage Overlay* provides guidance about the use of the Heritage Overlay and the process involved in identifying heritage places. The process that identifies the place is to clearly justify its significance as the basis for including it in the HO with documentation to include a Statement of Significance that sets out the importance of the place and addresses the heritage criteria.

4.4.2 Applying incorporated and Reference Documents

This Practice Note explains the role of external documents in Planning Schemes. Reference Documents are not part of the Planning Scheme but provide background information which in this case is the Citations prepared for the Heritage Places.

4.4.3 Strategic Assessment Guidelines

This Practice Note requires the Planning Authority evaluate and discuss how an amendment addresses a number of strategic considerations.

4.5 Strategic Assessment

The strategic assessment of Amendment C164 by Council was that the Amendment would make a positive contribution to the environment and would have social benefits through the protection of the identified site and precinct. Council did not believe the Amendment would have significant economic effects although it did concede that there may be additional costs to owners or developers of the affected properties.

The Panel concludes that the Amendment is generally supported by the relevant sections of the State and Local Planning Policy Framework. Based on the Council submission the Panel believes it has not adequately dealt with social and economic effects, as required under Section 12(2)(c) of the *Planning and Environment Act 1987*.

These matters are addressed in the following Chapters.

5 General Issues

5.1 The Thematic Environmental History – the post 1945 Heritage Study

5.1.1 The Issue

Objective 4(d) of the *Planning and Environment Act 1987* is to *conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historic interest or otherwise of special cultural value.*

Over the past 10 to 15 years there has been an increasing understanding that ‘historic interest’ may involve more than an appreciation of a building’s place in ‘architectural’ history. A number of Councils have commissioned ‘Thematic Histories’, or ‘Environmental Contexts’ which provide an historical context of their municipality’s development. This work can provide a starting point for research into places that might contribute to a particular aspect of history or can provide additional context for places already identified.

At issue in this case is the weight that should be given to a ‘draft Study’, specifically the draft *City of Whitehorse Post-1945 Heritage Draft Study, Thematic Environmental History; Citations for Places & Precincts* prepared by Built Heritage Ltd Pty, (marked Draft as at May 2014 and provided to the Panel on 13 November 2014) which has not been considered by Council and which has only been made available to the Panel and a submitter in an edited, truncated form.

5.1.2 Evidence and submissions

In her submission for Council, Ms Neivandt made reference to the ‘draft 2014 Whitehorse Post-1945 Heritage Study’ and its recommendations that a Heritage Overlay be applied to 30 identified heritage places. The Blue Flame Project in Vermont South and 127 Whitehorse Road, Blackburn are two of the 30 Places recommended for protection by this Study.

Ms Neivandt went on to say that preparation of the Amendment had been prompted by applications lodged to redevelop 127 Whitehorse Road and a property in the Blue Flame Project and that the Statements of Significance prepared for this individual property and Project were being relied on by Council in support of their inclusion in the HO.

Mr Reeves advised the Panel that the City of Whitehorse commissioned Built Heritage to undertake the City of Whitehorse Post-War Heritage Study in October 2013 and it was completed to ‘draft stage’ in early 2014.

In his evidence Mr Reeves stated that the post-1945 Study concentrated on the period from 1945 to 2000 and was intended to serve *as a supplement to the existing thematic environmental history contained in the City of Whitehorse Heritage Review (1999)*, which had not identified 127 Whitehorse Road or the Blue Flame Project as being of local significance.

Mr Reeves set out the methodology adopted for of the Post-1945 Heritage Study for the City of Whitehorse and this is summarised as follows:

- The Study supplements the thematic environmental history of the 1999 Heritage Review.

- The study was compiled principally from desktop research with a small amount of focused field work and some stakeholder input.
- The master list of 400 places was filtered to identify those that represent the highest priority for further assessment. Those places that scored a score of at least eight out of 10 were shortlisted for review and further assessment. This shortlist comprised 52 individual places and eight precincts and was provided to Council in January 2014.
- The forty 'outline' citations prepared comprised those for 32 of the shortlisted individual places that had a score of nine out of 10, and eight of the 10 precincts.
- The completed 'Outline' citations were provided to Council in March 2014.
- Discussion with Council officers that revealed some places in the Study were under threat of demolition / redevelopment led to further work involving inspections, comparative analysis and preparation of a full Statement of Significance, completed in May 2014.
- Completion of the draft report that consolidated the thematic environmental history, provided full citations for some places and precincts and included an introductory methodology section and appendices of the remaining outline citations and a version of the original master list of places, was provided to Council on 20 May 2014.

On this basis both the Blue Flame Project and 127 Whitehorse Road were elevated to a score greater than eight out of ten and included in recommendations in the revised draft Study.

Additionally, the revised draft expanded the thematic history to make new reference (in particular) to the growth of commercial premises along Whitehorse Road in the post-war period.

In her supplementary submission, Ms Brennan submitted that failure to exhibit the draft Study and Council's refusal to provide a full copy was inconsistent with its responsibilities under s.18 of the *Planning and Environment Act 1987* and, consequently, the Panel should have no regard to the draft Study.

Ms Brennan stated that relying on an incomplete version of the Study was unsatisfactory. This meant that neither the submitter or the Panel could ascertain *whether other post-war factories referred to in the draft Study have been recommended for heritage protection and hence whether an adequate or reliable comparative analysis has been conducted with regard to the property at 127 Whitehorse Road Blackburn*. She put to the Panel that Mr Reeves was offering a "... lone opinion ..." not properly available for Council or peer review.

5.1.3 Discussion

The Panel concurred with Ms Brennan's submission that "*... a Planning Authority must demonstrate the merits and strategic justification for the Amendment.*" Whether or not her further submission, *'that it cannot do so if it refuses the release of its underpinning research due to so called 'sensitivities'* ' became a matter for the Panel's consideration.

Amendment C164 was prepared as a result of redevelopment proposals at 127 Whitehorse Road, Blackburn and within the Blue Flame Project, without the draft post 1945 Heritage Study being put to Council for its consideration or made public.

The Explanatory Report to the Amendment states *"the amendment is required to provide heritage protection to the subject properties"*, and it is *"guided by the Whitehorse Heritage*

Review 2012 (Draft) and the Post-1945 Heritage Study (Preliminary Draft), which recommend the application of the Heritage Overlay and provides Statements of Significance for the above properties and precinct" (Underlining added by Panel).

Given that the Study was referred to as a document that 'guided' the Amendment, the Panel would have expected that it would have been available to any submitter, if requested, to enable a fully informed submission to be made to the Amendment. At the Hearing the Panel was advised that the Study was not made public as it contained 'confidential' information about properties not included in the Amendment, and it was yet to be presented to Council for its consideration.

The Panel has found the edited copy of the Study provided to it and the submitter at the Hearing, of limited assistance. The edits made to the document make it difficult to ascertain whether there are gaps in the comparative analysis to support the recommendations that the HO be applied to particular properties and, in comparing information contained in the Study to that in the comparative analysis in the Citation for 127 Whitehorse Road, there appears to be some anomalies. For example at page 39, the draft Study refers to *the earliest inklings of a post-war industrial boom in the Box Hill – Nunawading area as a new factory for the British United Shoe Company on Whitehorse Road Mitcham, proposed (but evidently not realised) in 1947. A year later (1948), clothing manufacturers Holeproof began building a new factory further east (sic) along Whitehorse Road at Box Hill. It was soon followed by the new premises of art pottery manufacturers E G Greenway Pty Ltd, which relocated from small premises in Fitzroy to a large architect-designed factory on Whitehorse Road in Blackburn*' (Underlining added by Panel). The Study goes on to list other factory developments, including the Mobilco premises which opened at 410 Whitehorse Road in the early 1950s and was lauded in the *Argus* newspaper *as a modern building symbolic of the newness that pervades Box Hill and Nunawading.*

Turning to the Citation for 127 Whitehorse Road, it refers to its building permit being issued in 1947 and it being *the first major post-war industrial complex to actually be erected in what is now the City of Whitehorse.* It goes on to refer to work starting on the Holeproof factory in 1948, which opened in early 1949 and states that the Holeproof building is the only surviving comparator to the Greenway building and is *slightly later in date and has been much altered, both externally and internally, as part of Box Hill TAFE.* The Greenway building is referred to as being earlier (having commenced in 1947), more externally intact and more architecturally distinguished. The Panel notes the Holeproof building does not appear to have been identified by the Study for heritage protection (Underlining added by Panel).

Clearly there is an inconsistency between the Study document and the Citation for 127 Whitehorse Road as to which building was commenced first. Whilst the Panel does not believe this is crucial in determining the significance or otherwise of either place, it does reflect on the consistency and rigour of the draft Study.

Turning to the Blue Flame Project, the Study referred to the Small Homes Service initiated by The Age and Royal Australian Institute of Architects (RAIA) and built in various suburbs in the 1950s. The Study refers to locations where these house designs were built on individual lots in the municipality. It is however the Blue Flame Project where the 'small house designs' were executed as a display village, in association with the Gas and Fuel Corporation.

The Study refers to other prototype housing projects including the Cluster Housing concept, created by Merchant Builders and then adapted by others. The Vermont Park Precinct on Burwood Highway is one such cluster housing project to which the HO has been applied.

In the absence of the complete Post-1945 Heritage Study Draft document being available for consideration, its preliminary draft status and fact that it has not been considered or adopted by Council the Panel found it should not have weight in considering the Amendment as it applies to 127 Whitehorse Road.

However, although the Panel acknowledges the limits to the use of the current draft revisions to the Thematic History in this case, the Panel does follow the Melbourne C198 Panel in allowing for consideration of buildings or themes not supported by a formally adopted Thematic History, namely: “... *Where historical significance is claimed, it should be rooted firmly in the Thematic History or an alternative history should be presented.*” This approach recognizes the reality that many Councils have not prepared contextual histories; new information is continually emerging and historical perspectives change.

In considering Ms Brennan’s assertion that Mr Reeves “... [relied] ... upon the draft Study on the basis that it that it demonstrates that post war industrial [activity] was a significant and important part of the development of the municipality ... ” the Panel considered whether Mr Reeves’ evidence did in fact ‘rely’ on the draft Study or was it simply the same expert opinion expressed differently. Based on Mr Reeves’ clearly demonstrated expertise, and his authorship of the draft Study, the Panel concluded that in the (hypothetical) absence of a draft Study his evidence to the Panel would be taken to stand alone (albeit without the added weight of a Council adopted Thematic History).

On this basis the Panel took the view that Mr Reeves’ expert opinions, expressed separately from the draft Study and available to the submitters for test in submissions and at the Hearing are relevant in its consideration of the Amendment.

5.1.4 Conclusions

Based on the edited version of the post 1945 Heritage Study provided to the Panel and submitters and its ‘preliminary draft’ status the Panel has not relied on the draft Study in forming its opinions and recommendations.

5.2 Social and Economic Issues

5.2.1 The Issue

A recent amendment of s12(2)(c) of the *Planning and Environment Act 1987* (the Act) states that the Planning Authority *must take into account of... social effects and economic effects as well as environmental effects of an amendment.*

There appear to be two issues in relation to this Amendment:

- Did Council have proper regard to the new provisions of s.12(2)(c); and
- What is appropriate nature, relevance and weight of social and economic considerations for this Amendment

5.2.2 Evidence and Submissions

As exhibited, Council assessed the environmental effects of this Amendment as: *the amendment is anticipated to provide a positive contribution to the environment by assisting in the conservation of local heritage places. The amendment will make a significant contribution to the built environment of the City of Whitehorse.*

Turning to the social and economic effects of the Amendment Council stated that:

- *It is likely to have positive social impacts by providing protection for sites that demonstrate the historical development of the locality and add to the cultural identity of the City of Whitehorse.*
- *The amendment is not expected to have significant economic effects. It is possible however that the amendment may impose additional costs on the owners or developers of the affected properties with the introduction of a requirement for a planning permit for most buildings and works.*

It was Ms Neivandt's submission that economic and social issues were not ones that should be considered at the Amendment stage but were ones more appropriately dealt with in considering a planning permit application. Further, Council submitted that *Council and the panel are only required to consider whether the proposed places have heritage significance.*

While prior to the amendment of the Act this may have been argued, a Planning Authority must now take these matters into consideration.

The matter of the social and economic effects the Amendment may have on land in the Amendment was raised as a procedural matter by Ms Brennan at the Hearing. It was Ms Brennan's submission (inter alia) that Council had failed to consider the economic and social effects the Amendment would have on her client, as required by the Act. Furthermore this should be considered in the context of a strong presumption against wholesale demolition and redevelopment of the site. Ms Brennan also submitted that it was appropriate to have regard to the social and economic effects on the particular parcel of land the subject of an individual heritage overlay; as opposed to the social and economic impact of inclusion on the whole municipality.

5.2.3 Discussion

The Panel accepts that the Act is clear that Councils must take account of social and economic effects when considering Amendments. A number of Panel reports before (Frankston Amendment C53, Yarra C149, et al) and after (Melbourne C198), the recent changes have identified the responsibility on Councils to consider all the objectives of the Act – including “... *fair, orderly, economic and sustainable use ...*” at Council and at Panel hearings.

However, in Yarra Amendment C149 (where the Minister specifically required that the *Council will need to demonstrate that the application of these controls will not have a negative impact on residential and commercial development opportunities within the municipality ...*) the Panel observed that: *No evidence was put to us that both aims could not be achieved. There are many examples across the state where heritage has been successfully entwined with new development.* In other words the issue is not whether the matters can

be broached but rather what is the nature of evidence that would persuade a Panel to recommend against inclusion of a significant place on the basis of economic and social matters.

In Yarra Amendment C163 the Panel took the (contrary) view to Ms Brennan that it was appropriate to take a municipality-wide view of the social and economic impact of heritage protection even in the case of an individual heritage place. This view appears to have the merit of describing the broad social and economic forces which in turn impact the municipality rather than personal or site specific issues which most particularly impact the individual owner.

5.2.4 Conclusion

This Panel accepts that the Planning Scheme requires consideration of all the objectives of the *Planning and Environment Act 1987* and that Council in this case is in error in its submission that economic and social issues should not be considered at the Amendment stage. Further, the Panel took the view that whilst Council's submission did refer to social and economic issues it could, at best, be considered only cursory.

The Panel decided not to attempt to broach the myriad issues surrounding the nature of evidence it would consider necessary to recommend against inclusion of a significant place on the basis of social or economic impact. In this case however it has taken the view that:

- (following Melbourne Amendment C198 and Ms Brennan's submission) *loss of expectations or anticipated inconveniences* was not sufficient.
- (following Ms Brennan and *Rutherford v Hume CC* [2014]) impact must be significant, causation clear, impact wider than on a small group or individuals, evidence clear and objective. The Panel would also add - all options explored.
- Economic and social issues were those that widely affected the community and that these interests should be identified clearly in the planning scheme at both the policy level and at the particular site level.
- The Panel was not persuaded by Ms Brennan's submission that inclusion in an overlay carried a blanket presumption against demolition or significant alteration. The Panel noted guidance to applicants on the demolition and removal of buildings in s.22.01-3 of the Amendment.
- The Panel observed that a general practice of a rigorous examination of all 'competing' planning issues at the Panels stage would be extremely costly and destructive to the present Panel process.

The social and economic matters as affecting the individual place and precinct affected by the Amendment are discussed in the following Chapters where they are relevant.

5.3 Comparative analysis

The Panel noted that some submissions made reference to buildings external to the municipality. Although some of this information provided insight to styles or historical phases, the Panel followed the Melbourne C198 Panel and took the view that reference to

buildings in the municipality was directly relevant whilst comparison outside the local area was not persuasive.

5.4 Intactness versus Integrity

The Panel supported previous Panels (Frankston Amendment C53, Latrobe Amendment C14, Yarra Amendment C149, Melbourne C198, and others) in forming the view that the key issue was the impact decrepitude, later works, alterations, etc. had on the significance of the building. Here, a building may not be 'intact' but may retain its architectural, historical, or other 'integrity' if its features still describe the aspects of its significance.

6 The Blue Flame Project, Vermont South (HO273)

6.1 The Place

The Project comprises brick 4-bedroom residences designed in 1969 and built between 1970 and 1971 at 1, 3, 5, 7, 9 and 11 and 2, 4, 6 and 8 Shalimar Court, Vermont South; 1, 3, 5, 7 and 2, 4, 6 and 8 Parkleigh Court, Vermont South; and 3 and 5 Fortescue Grove, Vermont South.

The completed citation for the Blue Flame Project was issued to Council on 1 April 2014 (and again the Panel notes its difficulty in relying on this document as set out above in Chapter 5.1). In summary it proposed:

What is Significant?

Design of the subject houses resulted from a design competition sponsored by the Royal Australian Institute of Architects (RAIA) Housing Service and the Gas and Fuel Corporation. Twenty selected architects represented both established and emerging architects. Nineteen of the twenty houses remain. Built by Deva Ideal Homes Pty Ltd the individual designs were available for purchase through the RAIA Housing Service.

How is it Significant?

The project is of historical and architectural significance.

Why is it Significant?

The Blue Flame Project is architecturally significant for:

- *... associations with the development of the RAIA Housing Service ... [and] ...the realization of an long held ambition ... to create a display village of houses drawn from the service's range of standard designs*
- *... as a tangible expression of the important theme of design competitions which was very strong in post-war Australian Architecture ...*
- *as an expression of the prevailing trends in contemporary residential architecture of the late 1950's ...*

The project is historically significant for:

- *... associations with suburban expansion into what is now known as Vermont South ...*

6.2 The Issue

The issue is whether the Project meets the threshold of local significance to support the application of the Heritage Overlay.

6.3 Evidence and submissions

Ms Neivandt's submission, and the evidence of Mr Reeves, referred to the background material relating to the development of the dwellings that became known as the Blue Flame Project.

It was Mr Reeves' evidence that the Blue Flame Project is quite unique, as a small display village of individual architect designs that were winners of the RAIA Small Homes Design Service, sponsored by the Gas and Fuel Corporation, and published as the 'House of the Week' in the property section of Monday's *Age* newspaper. The source of information relating to the Blue Flame Project at Vermont South included a series of published articles that appeared in the *Age* newspaper in 1969 and references to the RAIA small homes architectural competition. The completed Citation for the Blue Flame Project, prepared by Mr Reeves was provided to Council on 1 April 2014.

In making her verbal submission to the Panel, Mrs Ryan also referred to various newspaper articles about the designs of the houses built in Shalimar and Parkleigh Courts. In generally supporting the HO, Mrs Ryan did however seek clarification from the Panel as to what restrictions it would place on property owners.

Following the closure of the Hearing Mrs Ryan wrote to the Panel and Council advising that she wished to withdraw her support for the Amendment. As this letter was sent after the Hearing concluded, this is a matter between the submitter and Council (as Planning Authority).

Based on the material contained in the written submissions it appeared that residents of Shalimar and Parkdale Courts believed that the neighbourhood character provisions in the Planning Scheme would adequately protect the area from inappropriate multi dwelling developments. There was however some support for the *Post-1945 Heritage Study* to be made a Reference document in the Planning Scheme.

In response to written submissions that heritage protection of the Project is unwarranted, as redevelopment within the Project is already controlled by another control which had 'staved off' a proposed multi dwelling development, Mr Reeves stated there are crucial differences between the purpose of the HO and the neighbourhood character provisions of the *Garden Suburban Precinct 7* which applies over land in the Blue Flame Project. In particular, while the provisions of *Garden Suburban Precinct 7* seek to manage new development they do not control demolition, nor do they preserve or manage heritage places, which Mr Reeves believes is the appropriate course to adopt for the Blue Flame Project.

Submitters stated that the dwellings in the Blue Flame Project are not particularly unique and the fact that a number had been altered reduced any heritage value they may have once had. They were also concerned that the HO would make it difficult for them and future owners to carry out maintenance or alterations to their dwellings.

Loss of investment value of individual properties was a particular concern of some submitters.

After the Hearing closed, Mr McCluskey submitted a letter from Mr Mark Godfree of 2 Parkleigh Court, Vermont South, which stated that he had appointed Mr McCluskey to speak on his behalf. While Mr Godfree was a submitter to the Amendment he did not request to be heard by the Panel and therefore was not a party to the Hearing. Mr McCluskey was advised of this fact and as the Hearing had concluded he would not be permitted to make a submission for Mr Godfree. Furthermore, the Panel would not accede to Mr Godfree's

request that it accept additional material from him, post-hearing. Mr McCluskey was advised that Mr Godfree's written submission would be considered by the Panel.

6.4 Discussion

6.4.1 Comparative analysis

Turning to the Blue Flame Project, the Study referred to the Small Homes Service initiated by The Age and Royal Australian Institute of Architects (ARIA) and built in various suburbs in the 1950s. The Study refers to locations where these house designs were built on individual lots in the municipality. It is however the Blue Flame Project where the 'small house designs' was executed as a display village in partnership with the Gas and Fuel Corporation.

The Study refers to other prototype housing projects including the Cluster Housing concept, created by Merchant Builders and then adapted by others. The Vermont Park Precinct on Burwood Highway is an example of a cluster housing project to which the HO applies.

Although text had been removed from the copy of the Post-war Heritage Study provided to the Panel, the information of this and other residential estates in the municipality and the documentation of the winning designs of dwellings built in Shalimar and Parkleigh Courts, as part of the Blue Flame Project, was sufficient to enable it to consider the appropriateness of applying the HO to it.

The Panel is satisfied that the material contained in its copy of the Study provides the degree of comparative analysis necessary for it to consider the significance of the Project.

From the material provided to it and from its own inspection of the area, the Panel believes that even though some of the houses in this Project have been altered or extended, these changes have not detracted from the integrity of the original designs which are clearly recognizable.

6.4.2 Social and Economic Issues

Economic issues raised by some submitters related specifically to the potential loss of investment value of individual properties and the fact that new owners may be faced with higher costs in maintaining or altering their dwellings. There was no evidence provided to the Panel to support this argument. Also, there was no evidence to suggest the HO would have a broader economic or social dis-benefit to the local community.

6.4.3 Neighbourhood Character

The Residential Development Policy at Clause 22.03 of the Scheme includes '*Preferred Character Statements*' for each of the Precincts identified in the *Whitehorse Neighbourhood Character Study 2014*. The *Garden Suburban Precinct 7* applies over land in the Blue Flame Project and it envisages that maintaining a landscape setting will be an integral part of any new development. As the Neighbourhood Character Overlay has not been applied over the Blue Flame Project, consideration of the provisions of this local policy will however be limited to redevelopment that requires planning consent, primarily multi dwellings, and there is no demolition control.

Having considered the written submissions, and based on the submissions of Council and Mrs Ryan and Mr Reeves' evidence, the Panel believes the neighbourhood character

provisions applying to land in the Blue Flame Project are of limited value in protecting what it believes is an example of a unique grouping of architecturally designed project homes.

6.4.4 Non-contributory property

The inclusion of non-contributory buildings under the HO is common where it is applied to a precinct, particularly where they are within the body of the precinct, as is the case in the single non-contributory building in the Blue Flame Project.

Given the location of this building within the body of the Project the Panel does not support the submission to remove it from the HO.

6.5 Conclusions

The Panel concludes that the Blue Flame Project does have local historical and aesthetic significance as an excellent example of vigorous interest from the architectural profession to produce imaginative and cost effective housing developments in suburban Melbourne.

The Panel supports the application of HO273 to the precinct known as the Blue Flame Project, as exhibited. Furthermore it supports the amendments made to Clause 22.01 to include references to this Precinct.

7 127 Whitehorse Road, Blackburn – Former E G Greenway Factory (HO274)

7.1 The Place

127 Whitehorse Road, Blackburn is a late 1940's former factory building occupying a large 'battle-axe' site accessed in the south from Whitehorse Road. It is currently used as a Sikh Temple (Gurdwara).

The completed citation for 127 Whitehorse Road, Blackburn was issued to Council on 21 March, 2014 (and again the Panel notes its difficulty in relying on this document in Chapter 5.1).

In summary it proposed:

What is Significant?

The cream brick factory at 127 Whitehorse Road, Blackburn was constructed between 1947 and 1949 for E G Greenway, art pottery manufacturers. It was designed by industrial architect Arnold Bridge.

How is it Significant?

The place is of historical and architectural significance.

Why is it Significant

Historically, the place is significant as evidence of the earliest phase of industrial post-war development along Whitehorse Road. It is also of interest for its association with E G Greenway and its art pottery.

Architecturally and aesthetically, it is *significant as one of the more outstanding industrial buildings to be erected in the municipality in the post war period.*

7.2 The Issue

The issue is whether the industrial building at 127 Whitehorse Road, Blackburn meets the threshold of local significance to support the application of the Heritage Overlay and if it does whether the overlay should be applied over the entire site.

7.3 Evidence and submissions

Twenty-six written submissions were lodged in support of applying the HO to 127 Whitehorse Road, Blackburn. Twenty of these submissions were a pro-forma letter that referred to concerns neighbouring residents had to the plan to redevelop the property and the impact this would have on the neighbourhood. These submitters supported the Amendment, which they believed would protect the 'cultural identity' of the area and would provide the framework to ensure that any future development on the site would respect and 'sympathise' with the immediate area.

One submitter was 'excited' that Council had recognised the architectural, historical and social relevance of the Greenway Pottery building and site. In supporting heritage

protection this submitter believed the site was a unique asset to the municipality, both in its built form and design and association with Ellen Grant Greenway.

None of the submitters who supported the Amendment presented submissions to the Panel at its Hearing. The Panel has considered their written submissions in forming its opinions.

The owner of 127 Whitehorse Road and its consultants lodged written submissions with Council opposing the application of the Heritage Overlay to the land. The grounds for this opposition were dealt with in detail by the submission of Ms Brennan and the witnesses she called at the Hearing.

In his evidence Mr Reeves provided an overview of the Methodology used in undertaking the *Post-War Heritage Study* for the City of Whitehorse. Mr Reeves stated that the Study updated and expanded on the thematic history of the 1999 Study, undertaken by Allom Lovell Pty Ltd, of which he was a study team member. Mr Reeves then provided his response to the submissions lodged to the Amendment and provided a biographical overview of Arnold E Bridge, the architect of the industrial building at 127 Whitehorse Road, Blackburn and a list of projects he had been involved in.

Mr Reeves stated that originally the Greenway Factory at 127 Whitehorse Road, Blackburn was given a score of seven out of 10 however, after further investigation revealed the building was older than first thought, its score was revised to nine out of 10. This score meant it was became a candidate for further study and possible heritage protection. Mr Reeves told the Panel that it was on completion of the outline citation for the building that he first became aware of the proposal to demolish the existing building and this prompted him to complete a more detailed Citation, which was provided to Council on 21 March 2014.

Mr Reeves stated that he considers himself an expert in twentieth century design. It was his opinion that the changes made to the building have not diminished its overall significance and while development of the site may present challenges, it would not be prevented by the HO. It was also his opinion that factories are generally the most flexible buildings in adapting them to other uses.

Under cross-examination, Mr Reeves agreed that clear thresholds and transparency are essential elements in determining the heritage significance of a Place and comparative analysis underpins the thresholds that determine this significance.

In representing the owner Ms Brennan called expert and lay evidence in opposing the Amendment.

Ms Brennan's opening comments to the Panel reiterated the preliminary matters raised at the commencement of the Hearing and set out in Chapter 2 of this Report. These are that the Amendment was characterised by monumental failures by the Planning Authority (Council) to meet the minimum standards necessary to justify the application of the HO over properties. Ms Brennan submitted that there were procedural issues associated with the failure to make available the heritage study, on which the HO is based, and that there was a lack of fairness and substance in applying the HO to 127 Whitehorse Road, Blackburn.

Ms Brennan also stated that Council's position that social and economic matters were irrelevant at the Amendment stage ignored the requirement under the Act that a Planning Authority, and also a Panel, must consider the social and economic effects of an

Amendment. This also raised the question of fairness to the manner in which the Study had been treated. In the case of 127 Whitehorse Road, Ms Brennan submitted that the limited community benefit in protecting the existing building on that site was outweighed by the considerable community dis-benefit in constraining its redevelopment to provide a purpose built facility Gurdwara for the Sikh community in the eastern suburbs of Melbourne.

Ms Brennan stated that while there may be vagueness as to the social or economic benefits of some redevelopments, this is not the case here, where there is an actual proposal for the Sikh community.

Turning to Mr Coleman's e-mail to Council, in which he advised he had reviewed the Citation prepared by Built Heritage Pty Ltd for 127 Whitehorse Road, as requested, Ms Brennan submitted this lacked the detail required to give it weight as a peer review.

It was Mr Raworth's opinion that the only portion of the factory that is of any architectural interest is the *relatively narrow front brick office section on the south side of the building, the balance (and majority) being of conventional design and construction and of little note.*

Mr Chen's evidence took the Panel to the proposal that would see the existing industrial building on the site demolished and a new purpose built Gurdwara constructed for occupation by the Sikh community living in the eastern suburbs of Melbourne.

Existing vehicular and pedestrian access from Whitehorse Road would be retained with parking provided at the rear of the site and in a basement under the building. A large forecourt at the front of the building would contain a 'reflecting pool'. The three storeys building would include an educational space, community area and prayer hall.

Mr Chen advised the Panel that arriving at the design solution in this case involved research of Sikh temple architecture and discussion with the client community. The final design incorporates the *'symbolic gestures and spaces necessary to create a sacred building for their community.'* Mr Chen said that siting the building towards the rear of the site meant that the existing building could be used during the construction phase.

At the Hearing it was Mr Raworth's evidence that *the former E G Greenway factory does not stand out as a rich, innovative or otherwise notable example of factory design from the period.*

In comparing the Greenway factory with others of the period Mr Raworth stated that it was 'backward looking' in expressing an architectural style most closely associated with the inter-war period and it is neither a pioneering example of its style or even a good example of its idiom.

By way of comparative analysis, in his written evidence Mr Raworth referred to the MacRobertson Girls High School, built in 1934 as a highly visible expressive of a new modernist mode of architectural expression, as well as a number of other buildings that followed WW2. It was Mr Raworth's evidence that compared to these examples the former Greenway factory *is a modestly scaled industrial structure, demonstrative of lingering trends in interwar architectural stylism.*

7.4 Discussion

7.4.1 Historical Significance

Based on the submissions and evidence, and its inspection of the building and site, the Panel believes that any historical value that may be attributed to this Place relates to more than its external design.

As referred to in the Citation for the place, the brief to the architect was for the building to be *expressive of the life of Ellen Grant Greenway* and to be *'a beautiful building in a beautiful setting with ideal conditions for the workpeople'*. This brief to the architect resulted in the design of an open-planned factory floor with a continuous sawtooth roof, to provide south-facing anti-glare natural light through mechanically-operated windows. Internally it was reported that there were drinking fountains for staff and a buff colour scheme *"reputed to have better psychological effect than the dark walls that are depressing, and white walls, which tire the eyes"*.

The required landscaped setting for the building was conceived as public parkland that would include land acquired from the Council and a neighbouring land owner.

Based on the aerial photographs of the site and factory building, as included in Mr Raworth's evidence, it appears likely that the park-like setting for the building was never realised. This fact was accepted by Mr Reeves.

The Panel believes the changes made to the interior of the building over a number of years, by previous and present occupants, and the fact that the proposed park-like setting was not realised diminishes the historic significance of the building. The historical associations with E G Greenway and her art pottery is also reduced by the fact that as an intended memorial to her it was never fully realised and the process carried out on the site changed, with the death of Ellen Greenway, to mass produced slip-moulded ceramics.

Unlike other potteries in the municipality, the clay used in the manufacture was not excavated on this site. The Panel does not believe that the mass-production of pottery which ceased sometime before the company was wound up in 1975 was unique to the point that the site is historically significant.

7.4.2 Aesthetic and architectural significance

In relation to the aesthetic significance of the now altered building, a photograph submitted by Mr Chen showed the existence of a narrow light court separating the addition at the front east side of the building and the original front wall of the building. From this photograph it appears that, if the extension was demolished, the original structure may be revealed. Also there is the possibility that the removal of cladding at the upper part of the front façade may reveal the original window openings. The opportunity that the original front façade could be revealed in its entirety would certainly contribute to the building's aesthetic value.

The Panel believes that while the changes at the front of the building may be reversible, in revealing the original front wall, the same cannot be said for the interior, the tower, or the landscaped setting which were important elements of the original design concept but which were either never realised or no longer exist. In any event internal controls have not been applied under the Heritage Overlay.

7.4.3 Economic and Social Effects

The strategic assessment in the Explanatory report of this Amendment, as replicated in Ms Neivandt's submission to the Panel is that it is anticipated the Amendment will have positive social and economic effects to the local community although it is agreed there could be added costs to the owner of the land in relation to development of the site, which in this particular case is the plan to replace the existing converted industrial building with a new purpose built Gurdwara for the Sikh community.

It was Ms Neivandt's submission that the redevelopment potential of a site, building lifespan and financial imposition are not relevant in determining the heritage value of a place. It was her view that these were matters to be dealt with in considering a planning permit application for a specific proposal.

Recent amendments to the *Planning and Environment Act 1987* however now require that Planning Authorities consider the social and economic effects of an Amendment, which in this case would specifically relate to its effect on the Sikh community in wishing to build a Gurdwara that meets its spiritual needs.

If the HO was applied to the site and all or part of the existing building had to be retained, the Panel accepts this may have an effect on the social needs of the Sikh community, in particular. Whether this would be to the extent that the spiritual, community and educational needs could not be met is difficult to say. Mr Chen and Mr Jasal for the community certainly believe this to be the case.

While the Panel accepts any redesign of the Gurdwara could have an effect on the costing of the building, it does not accept that this would not necessarily be to the extent that the project could not proceed to the dis-benefit of the Sikh community.

The Panel took the view that, should it determine that the place lacked sufficient historic, architectural or aesthetic significance for inclusion in the Heritage Overlay, it would not be necessary for it to go on to a forensic consideration of evidence in respect to social and economic issues.

7.5 Conclusions

The Panel concluded that the argument for historic significance of the post-war industrial development of the municipality (and Whitehorse Road in particular) was not persuasive. Further the argument for historic significance of a progressive industrial factory environment remained underdeveloped and prejudiced by the fact that the whole scheme of integrating parkland, worker conditions, and architectural expression was not fully realised and was then reduced by later alterations. Again, associations with Ellen Grant Greenway and her pottery were not fully realised after her death.

Accordingly the Panel concluded that the historic significance of the place was insufficient to justify inclusion in the Heritage Overlay.

The Panel was satisfied that Mr Reeves' research into the aesthetic and architectural significance of the place was both expert and rigorous. Furthermore, it was not persuaded by Ms Brennan's submissions that one expert's view needs to be supported by others to be authoritative; nor that new recognition of a previously unrecognized architect should be

given less weight. However, on balance, the Panel did prefer Mr Raworth's assessment of the building as *a modestly scaled industrial structure, demonstrative of lingering trends in interwar architectural stylism* rather than a significant contributor to the architectural or aesthetic character of the municipality.

Accordingly the Panel concluded that the aesthetic or architectural significance of the place was insufficient to justify inclusion in the Heritage Overlay.

Having concluded that the building lacked sufficient significance for application of the Heritage Overlay the Panel determined that detailed consideration of submissions in respect to social and economic factors was unnecessary. However it has outlined its observations in relation to this matter in Chapter 5.4.4.

7.6 Recommendations

The Panel recommends that:

- **Heritage Overlay HO274, be removed from Heritage Overlay Map 2 and the Schedule to the Heritage Overlay as applying to 127 Whitehorse Road, Blackburn.**
- **All references to 127 Whitehorse Road be removed from Clause 22.01, as shown in the revised version of this Clause in Appendix C.**

Appendix A List of Submitters

No.	Submitter
1	Melbourne Water
2	Department of Environment and Primary Industries
3	Mr S Ferris and Ms t Kittikahoun
4	Mr A and Ms A Fearn-Wannan
5	Ms J and Mr S Pemberton
6	Mr L Truman
7	Mr P and Ms D Gill
8	Ms N Walters
9	Dr I L Smithson
10	Mrs P Brown
11	Mr S Nankervis
12	Ms J Gunston
13	J and G Gatin
14	Committee of Management Pope Road Kindergarten
15	J and P Brosnan
16	Mr M Podolak
17	Lovell Chen Pty Ltd - Peter Lovell for Sri Guni Nanak Satsang Sabha
18	Fulcrum Planning Pty Ltd for Sri Guni Nanak Satsang Sabha
19	Bridges Family
20	G and A Keech
21	Ms B Monypenny
22	Ms P Milburn
23	Mr J Mallon
24	Ms Bougioukos
25	Ms J Berry
26	Ms D Clayton
27	Ms E Farr
28	Ms T Davis
29	Mr/Mrs Gauntlett

30	Ms A Hogan
31	M and P Godfree
32	Mr P Lellyett
33	M and L Mitchell
34	Mrs S Ryan
35	Mr H Marr
36	Ms B Brownlie
37	Jaginder Singh Pascrincha

Appendix B List of Documents

1	12/11/2014	VCAT decision	Ms Brennan
2	12/11/2014	Council submission	Council
3	12/11/2014	Letter from Ms Brownlie to Council	Council
4	12/11/2014	Photograph 127 Whitehorse Road	Council
5	12/11/2014	Photographs and plan of houses Blue Flame Project	Council
6	12/11/2014	City of Whitehorse Heritage Review Thematic History	Ms Brennan
7	12/11/2014	Map 9HO Greater Dandenong Planning Scheme	Ms Brennan
8	12/11/2014	City of Whitehorse Post-1945 Heritage Study	Council
9	13/11/2014	Email to Council from Ian Coleman, Architect	Council
10	13/11/2014	Extract of Review of Greenway Pottery from book 'More People's Pottery Stories'	Council
11	13/11/2014	Email from Geoff Austin (DTPLI) to Council	Council
12	13/11/2014	A3 plans of original development at 11 Shalimar Court	Council
13	13/11/2014	A3 plans of revised development proposal at 11 Shalimar Court	Council
14	13/11/2014	CV of Ian Coleman, Architect	Council
15a	13/11/2014	Photograph of 'light court' to original wall of factory at 127 Whitehorse Road	Mr Chen
15b	13/11/2014	Photograph of Chapel at Scotch College	Mr Chen
16	13/11/2014	Submission (127 Whitehorse Road Blackburn)	Ms Brennan
17	13/11/2014	Guidelines for the Heritage Assessment Criteria	Ms Brennan
18	13/11/2014	Practice Note – Applying the Heritage Overlay	Ms Brennan
19	13/11/2014	Citations for sites in City of Greater Dandenong	Ms Brennan
20	13/11/2014	Citations for sites in City of Maribyrnong	Ms Brennan
21	13/11/2014	Extracts of panel reports (re Social and Economic impacts)	Ms Brennan
22	13/11/2014	Red Dot VCAT decision	Ms Brennan
23	13/11/2014	Copy of an objection to redevelopment of 127 Whitehorse Road Blackburn as a Sikh Temple	Ms Brennan
24	13/11/2014	Photographs of Sikh Temples in India	Ms Brennan
25	13/11/2014	Letter from Mark Godfree (submitter)	Mr McCluskey
26	5/12/2014	Supplementary submission 127 Whitehorse Road Blackburn	Fulcrum Urban Planning Pty Ltd

Appendix C Clause 22.01 - Heritage Buildings and Precincts as amended post exhibition by Council and the Panel

Blue – Council changes

~~Red~~ – Council deletions

Green – Panel addition

~~Orange~~ – Panel deletions

22.01 HERITAGE BUILDINGS AND PRECINCTS

21/03/2013
C140
[Proposed](#)
[C164](#)

This policy applies to all buildings, structures and natural features of heritage significance identified in the *City of Whitehorse Heritage Review* 1999, the *City of Whitehorse Heritage Review* 2001, the *Heritage Precincts Report* 2004, the *City of Whitehorse Individual Heritage Properties Review* 2006, the *William Street Precinct Report* 2010, ~~and the City of Whitehorse Heritage Assessments 2010, e-for 15 Hopetoun Parade, Box Hill dated 31 March 2014 prepared by Coleman Architects Pty Ltd, and the citations for the Blue Flame Project, Vermont South dated 1 April 2014 and for 127 Whitehorse Road, Blackburn dated 23 March 2014 and prepared by Built Heritage Pty. Ltd.~~ and where a planning permit is required, this policy also applies to development on properties adjacent to Heritage Overlays.

22.01-1 Policy basis

21/03/2013
C140
[Proposed](#)
[C164](#)

Clause 21.05 Environment requires buildings, areas, structures and natural features of heritage significance to be protected, conserved and enhanced. This is because these places of cultural significance are important in providing a snapshot into the City of Whitehorse's past. They are, therefore, an integral part of the City's social and cultural identity.

There are over two hundred individual heritage properties scattered throughout the municipality ranging from Victorian period schools, farmhouses and cottages dating from 1865 through to high schools and churches built in the 1940's and 50's. These buildings add interest, character and a sense of identity to the neighbourhoods in which they are located.

The buildings and areas subject to a Heritage Overlay are considered to be the best examples of their type within Whitehorse. These buildings may have historical, architectural, social, technological, cultural or scientific significance or any combination of these.

The conservation and enhancement of these buildings is critical if the heritage of this municipality is to be preserved.

To achieve this the MSS requires that the use and development of heritage places is sensitive to their importance, retaining their integrity, character and appearance. All use, buildings and works carried out on a heritage property should protect its historic and aesthetic value, whilst reinforcing its original character. This ensures that its cultural significance is retained. For some heritage places the retention and conservation of features such as trees, hedges, fences and outbuildings is essential as they add to the historical importance and setting of the building or structure.

There are ~~two~~ **eleven** heritage precincts that are vital in portraying the story of how this City developed and what life was like at that time. Each precinct has a different character and was built in a different period, so collectively they make a substantial contribution to preserving the history of the City.

These precincts are to be treated with care to ensure that any redevelopment or change in land use reflects their special qualities. Within some precincts there are opportunities to improve their cohesiveness and aesthetic quality through refurbishment and limited redevelopment, provided that a consistent set of design and decision making principles are applied.

Statements of significance for the heritage precincts

Churchill Street Precinct, Mont Albert

The Churchill Street Precinct is of outstanding aesthetic significance. This precinct has one of the most intact streetscapes of large Edwardian and inter-War houses in the City. The streetscapes are characterised by a uniformity of scale, setbacks and materials. The houses within the precinct form an extraordinary cohesive group of substantial upper middle class residences that display a wide range of interesting Arts and Crafts inspired architectural elements. The houses remain relatively unchanged from their original form and therefore display a high level of intactness.

Combarton Street Precinct, Box Hill

The Combarton Street Precinct is of considerable aesthetic significance. This precinct contains the one of the best collections of small Californian bungalow-style houses in the City. The precinct comprises of homogeneous streetscapes, with nearly all the houses, including those not in the bungalow style, similar in scale, setback and materials. Although there are many examples of this housing style throughout the municipality they are generally relatively scattered or in groups of two or three. In addition, a number of the bungalows within this Precinct are extremely good examples of Arts and Crafts-influenced style. Of particular note are elements such as decorative brick and timberwork that noticeable in the verandahs of many of the bungalows.

Mont Albert Residential Precinct, Mont Albert

The Mont Albert Residential Precinct is of considerable aesthetic and historic significance.

Aesthetically, this precinct contains a large number of substantially intact houses that represent the three major phases of development in Mont Albert - the Victorian, Edwardian and inter-War periods. The historically important remnant Victorian houses are complemented by a large number of Edwardian and Inter-War houses exhibiting a range of interesting stylistic characteristics. Most of the houses display a particularly high level of intactness. The precinct also has historical associations with the Matthew Davies' Freehold and Investment Banking Company, an important nineteenth century property speculator.

Mont Albert Shopping Centre Precinct, Mont Albert

The Mont Albert Shopping Centre is of considerable aesthetic significance. This precinct is the most intact inter-War shopping centre in the City. Although several shopping centres in the municipality were developed adjacent to railway stations in the inter-War period, Mont Albert retains the greatest number of relatively intact shops that display typical inter-War architectural details, particularly at parapet level. Historically, the stylistic homogeneity of the precinct's building stock reflects the large amount of residential development that occurred in the Mont Albert area in the first three decades of this century.

Vermont Park Precinct, Vermont South

Vermont Park is of aesthetic significance as an award-winning complex of architect-designed cluster housing from the 1970's. At that time, Vermont Park was an innovative and influential experiment in terms of planning, prefabrication and energy efficient design. As an early example of its type, Vermont Park is unique in the City.

Blacks Estate Precinct, Mont Albert

Blacks Estate is of aesthetic and historical significance to the City as it contains the best and most intact collection of inter-war and 1940's substantially masonry buildings. The buildings cover a number of styles, however retain a consistency in materials, scale, setback and detailing. Of particular aesthetic note are elements such as masonry porches, distinctive chimneys, curved walls and decorative brickwork. The precinct is rare in the Whitehorse area as an estate that was subdivided and substantially developed in the 1920's and 1930's. While there are many examples of these housing types throughout the municipality, they are generally scattered and usually infill buildings.

Thomas Street Precinct, Mitcham

The Thomas Street Precinct is of aesthetic and historical significance to the City as an intact streetscape of late Edwardian and particularly the immediate post World War One era, as expressed by single storey detached largely Californian Bungalow style housing. The street is of aesthetic significance as it contains similar setbacks, materials, forms and levels of detail giving the streetscape a consistent and unified appearance. The Thomas

Street Precinct is of historical significance as it represents the transition period in which the Mitcham area developed from a rural township to a more suburban township after the electrification of the train line and expansion of the civic centre.

Mount View Court Precinct, Burwood

The Mount View Court Precinct is of historical significance as a good expression of the major growth in housing in Burwood during the immediate post World War One era, as expressed by the Californian Bungalow style housing. The precinct is also of aesthetic and historical significance for its distinctive Bungalow Court form around a central circular green which was a precursor to cul-de-sac planning widely used in Australia after World War Two. All the houses in the court are similar in form, style, detailing and materials and are believed to be State Bank Savings design homes. The Court is an excellent example of the movement by banks across the nation to support homebuyers in providing cheap new house options during Australia's depression years.

Mates' Housing Development Precinct, Box Hill

Mates' Housing Development Precinct is of historical significance to the City of Whitehorse as an intact precinct of houses developed at the same time and by the same developer during the early 1900s. The precinct demonstrates the type of speculative development that occurred in this period. The precinct is of aesthetic importance for its unity and intactness. All the houses in the precinct are similar in form, style, detailing and materials. They are excellent intact examples of Federation style dwellings demonstrating key features characteristic of the style. Mates' Housing Development Precinct is also of aesthetic and historical significance for its dairy located on the site.

William Street Precinct, Box Hill

The William Street Precinct is of historical and aesthetic significance for the well preserved Edwardian style dwellings. The houses in the precinct are good representative examples of the more humble and working class houses of the Edwardian era housing style, reflecting the lives of the residents who built or rented them while living in the Box Hill area.

Tyne Street and Watts Street Corner Precinct, Box Hill North

Tyne Street and Watts Street Corner Precinct Box Hill North, is of historical significance to the City of Whitehorse as a substantially intact precinct of houses developed at the same time and by the same developer during the early 1900's. The precinct demonstrates the type of speculative development that occurred both in 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.

[Blue Flame Project, Vermont South](#)

[A group of twenty houses in Shalimar and Parkleigh Courts were built as a display village in the early 1970's, known as The Blue Flame Project. The village showcased low cost housing designed by leading architects of the day. It differed from other display villages in that house plans could be purchased without making a commitment to a particular builder. The project was sponsored by the Gas and Fuel Corporation and the Royal Australian Institute of Architects.](#)

Other heritage buildings

Over the last few decades a significant number of heritage properties have been lost through demolition and unsympathetic redevelopment and extensions. It is imperative, therefore, that Council and the community strive to retain as many of the existing heritage buildings, and the intactness of the heritage precincts, as possible.

There will be buildings, structures and natural features not identified in the Schedule to the Heritage Overlay Schedule that have a high level of heritage significance. The [various heritage reports adopted by Council and which are referred to as reference Documents in eClause 22.01-5](#), ~~City of Whitehorse Heritage Review 1999, the City of Whitehorse Heritage Review 2001, the Heritage Precincts Report 2004, the City of Whitehorse Individual Heritage Properties Review 2006, the William Street Precinct Report 2010 and the City of Whitehorse Heritage Assessments 2010~~, do not identify every heritage place within the municipality. Council is, however, working hard to identify and protect other historical buildings, structures and features.

This means that there will be instances where Council will quickly assess the heritage significance of buildings not affected by a Heritage Overlay. If found to be significant, Council will take the appropriate steps to inform all parties involved with the building about its significance and take steps to protect the building.

These buildings are important to the City's heritage and make a significant contribution to neighbourhood character through their aesthetic and architectural value. Many of these properties have significant potential for renovation and restoration, which is strongly encouraged. Council considers that these heritage places should be preserved where possible in order to provide a wide range of heritage places to enrich the character, identity and heritage of the municipality.

22.01-2

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17/08/2006

Objectives

- 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.
- To 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 and precincts.
- To ensure that new land use, development, buildings and works in and around properties and precincts subject to a Heritage Overlay is sympathetic to their significance, character, scale, design, setbacks, form and colour scheme.
- To ensure that all possible avenues are pursued to ensure the conservation of heritage sites and that demolition is allowed only where there are extenuating circumstances.
- To encourage conservation and other works including maintenance, restoration, reconstruction and adaptation 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.

22.01-3

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Policy

It is policy that:

Subdivision

- Subdivision of a property supporting a heritage place should not adversely affect the significance of the heritage place or other features protected by the Heritage Overlay.
- The subdivision layout should maintain the original setting of the heritage place, including the retention of original garden areas and or other such features that create a setting for the heritage building.
- Where located in a heritage precinct, the proposed pattern of subdivision should be consistent with that of the precinct in terms of its layout and lot size and be able to support buildings that are similar in scale, bulk and setbacks to that which is consistent with the statement of significance for the precinct
- Subdivision of land supporting heritage [places](#) ~~buildings~~ identified in the *City of*

Whitehorse Heritage Review 1999, the City of Whitehorse Heritage Review 2001, the Heritage Precincts Report 2004, the City of Whitehorse Individual Heritage Properties Review 2006, the William Street Precinct Report 2010, ~~or~~ the City of Whitehorse Heritage Assessments 2010, ~~or citations for 15 Hopetoun Parade, Box Hill dated 31 March 2014, the Blue Flame Project, Vermont South dated 1 April 2014 and 127 Whitehorse Road, Blackburn dated 23 March 2014~~ should conserve and enhance the heritage ~~place, building.~~

Demolition and removal of buildings

Subject to the provisions of this Policy, any heritage place, building, structure or feature identified in the *City of Whitehorse Heritage Review 1999, the City of Whitehorse Heritage Review 2001, the Heritage Precincts Report 2004, the City of Whitehorse Individual Heritage Properties Review 2006, ~~the William Street Precinct Report 2010, ~~or~~ the City of Whitehorse Heritage Assessments 2010, ~~or in citations for 15 Hopetoun Parade, Box Hill dated 31 March 2014, the Blue Flame Project, Vermont South dated 1 April 2014 and 127 Whitehorse Road, Blackburn dated 23 March 2014~~~~ and subject to a Heritage Overlay, should be retained.*

- The demolition or removal of buildings within heritage precincts that are consistent with the character and statement of significance of the precinct will be strongly resisted in order to maintain the integrity of, and cohesion within, the precinct. The loss of these buildings would undermine the quality and intactness of the precinct and the reasons why the precinct was originally designated.
- Places, Bbuildings, structures and features identified in the *City of Whitehorse Heritage Review 1999, the City of Whitehorse Heritage Review 2001, the Heritage Precincts Report 2004, the City of Whitehorse Individual Heritage Properties Review 2006 the William Street Precinct Report 2010, ~~or~~ the City of Whitehorse Heritage Assessments 2010, ~~or in citations for 15 Hopetoun Parade, Box Hill dated 31 March 2014, the Blue Flame Project, Vermont South dated 1 April 2014 and 127 Whitehorse Road, Blackburn dated 23 March 2014~~ should be conserved where possible as they contribute to the aesthetic quality of the municipality and provide for a range in the quality and type of heritage places.*
- Council will only consider the removal of heritage buildings if the applicant can prove that there are extenuating circumstances regarding the building/land.

New buildings and works

- Additional buildings or works on land supporting a heritage building and/or within a heritage precinct should conserve, and be sympathetic to, the protected building(s) and other features identified as being protected in the Heritage Overlay schedule.
- The design and location of new buildings and works should not adversely impact on the heritage value and significance of the building(s) and/or precinct, or other features protected pursuant to the Heritage Overlay schedule.
- Development on sites adjacent to heritage buildings and precincts should be sympathetic to the heritage place in terms of its bulk, setbacks, materials, colour scheme and form. Care should be taken not to ‘mock’ the heritage building style.
- Development, buildings and works on heritage places identified in the *City of Whitehorse Heritage Review 1999, the City of Whitehorse Heritage Review 2001, the Heritage Precincts Report 2004, the City of Whitehorse Individual Heritage Properties Review 2006 the William Street Precinct Report 2010, ~~or~~ the City of Whitehorse Heritage Assessments 2010, ~~or in citations for 15 Hopetoun Parade, Box Hill dated 31 March 2014, the Blue Flame Project, Vermont South dated 1 April 2014 and 127 Whitehorse Road, Blackburn dated 23 March 2014~~ should, where possible, conserve and enhance the heritage ~~building~~ building place.*

External alterations

- Council strongly encourages external alterations that include preservation, restoration or reconstruction of the original heritage building in a way that relates to the original features and form of the building.
- External alterations should not adversely impact on the cultural significance, character, architectural value of the building and/or precinct or its contribution to the streetscape.
- Alterations should be designed and located in a way that does not dominate the original building and retains its cultural significance. The bulk, style, detailing and form of external alterations should be sympathetic to the original fabric and design characteristics of the building.
- The alterations should be in the same style as the original place but with simplified details or should be designed in a contemporary manner that relates to the old work in terms of location, bulk, form and materials. The alterations should be distinguishable from the original building.

External painting

- Council strongly encourages the application of original colour schemes to heritage buildings.
- Where heritage buildings are located in a heritage precinct, the use of colour schemes true to the period and style of the buildings and precinct is essential to conserve and enhance the integrity, cohesiveness and quality of the precinct.
- Colour schemes should be consistent with those contained in the schedule of heritage colours and other painting advice prepared by Council.

Trees and hedges

- The removal or lopping of trees and hedges identified in the Heritage Overlay schedule as being protected is strongly discouraged as they make a significant contribution to the setting and heritage value of the heritage place.
- Removal or lopping of protected trees and hedges will only be supported where parts or all of the tree(s) or hedge(s) are dead, dying or imminently dangerous.

22.01-4

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Performance measures

The following performance measures are considered to satisfy the policy objectives and statements outlined above:

All applications

- Planning permit applications should be accompanied by an assessment from a suitably qualified and experienced heritage architect outlining how the application conserves, enhances, and is sympathetic to, the significance of the heritage building and/or precinct.

Subdivision

- The assessment prepared by the heritage architect should outline how the subdivision conserves and enhances the significance of the heritage building and/or precinct.
- Where the subdivision pattern is not consistent with that of the original heritage place and/or precinct the applicant should submit reasons as to why this cannot be achieved and how the alternative subdivision pattern makes a positive contribution to the heritage place or precinct.

- The pattern of subdivision should conserve the setting of the heritage building, providing sufficient space to retain garden areas, buildings and other features essential to the character, importance and integrity of the building.

Demolition or removal of a building

- Demolition or removal of a heritage building (either significant or contributory) within a heritage precinct or individually listed in the Schedule to the Heritage Overlay, will only be permitted where all of the following circumstances apply:
 - The building has been significantly damaged since the Heritage Overlay was applied to the property or the building is structurally unsound and is unable to be made safe to Council's satisfaction without significant alteration to the original fabric of the building, thereby reducing the significance of the building to an extent which a Heritage Overlay should no longer be applied; and
 - The application is accompanied by an assessment from a suitably qualified and experienced heritage architect outlining why the building cannot be retained. This report should also investigate options to retain some part of the building to commemorate the historical associations and importance of the site, if appropriate.
 - Removal of heritage buildings will be considered only if there is written evidence justifying the special circumstances relating to the building. The Applicant should make a written submission outlining the reasons why Council should allow the removal to proceed. Details and evidence of how and where the building will be moved it must also accompany the application.
- Demolition or removal of buildings located in heritage precincts that are not consistent with the historical and architectural significance of the precinct (regarded as non-contributory buildings) will generally be permitted, provided that all of the following are met:
 - The applicant can demonstrate that the replacement buildings will make a more positive contribution to the value and cohesiveness of the heritage precinct in terms of building design, scale, materials and layout than the existing building; and
 - The report prepared by the heritage architect outlines why the demolition and proposed replacement buildings would make a more positive contribution to the precinct; and
 - If a partial demolition is proposed, that the demolition will not adversely affect the precinct's heritage significance; and
 - The replacement building complies with all other parts of this policy.
- The following information should be supplied by the applicant upon applying for a planning permit to either demolish or remove the building:
 - A comprehensive photographic record of the building and its setting in the streetscape; and
 - A plan of the building's footprint and layout; and
 - If removal is proposed, a copy of title for the property to which it is being relocated; and
 - A copy of the building permit for the site to which the building is being relocated; and
 - A report on how the building is to be moved and how it will be restored in its new location.

New buildings and works

- The report prepared by the heritage architect should outline what techniques have been used to ensure new development is consistent with the bulk, form, setbacks and style of the heritage building and/or precinct.
- Where features such as gardens, trees, outbuildings and fences that provide a setting for the heritage building/precinct cannot be preserved, the heritage architect should outline why these features cannot be retained, assess what impact their loss would have on the integrity and significance of the heritage place and what measures can be taken to minimise any negative impact.
- The design of new buildings and works should not ‘mock’ the historic building but rather complement the original fabric and design characteristics of the heritage building in terms of its bulk, style, materials, setbacks, colour scheme and form.
- New buildings and works should be designed and located in a way that does not dominate the heritage building or detract from its aesthetic or architectural significance.
- Existing views of the heritage building from the street should be preserved to acknowledge the contribution heritage places make to neighbourhood character and the overall streetscape.
- Buildings and works should conserve the setting of the heritage building through the retention and conservation of original garden areas, driveways and other features around the building that are integral to its character and historical significance.
- Where possible, works that improve the visibility of the heritage place from the streetscape are encouraged where they do not remove features or buildings that contribute to a building or precinct’s historical significance.

External alterations

- The report prepared by the heritage architect should outline how the proposed alteration(s) conserves and enhances the heritage significance of the building and enhances its heritage value.
- Alterations to the front façade of heritage buildings should be treated with particular care in recognition of their potential negative impact on the architectural and aesthetic contribution of the building to the streetscape.
- Alterations to the rear of buildings are encouraged as they are less detrimental to the aesthetic and architectural contribution of the building to the streetscape and/or the heritage precinct.
 - The materials used for the external alterations should be sympathetic to the nature and colour of the original fabric of the building to Council’s satisfaction. Where the colours and materials of the original fabric have been substantially changed, and cannot be reasonably reinstated, the external alterations should be compatible with that of the existing building.
 - Where the original fabric of the building has been substantially altered, Council encourages the use of materials and colour schemes that are consistent with the style and period of the original house. Returning of lost or altered fabric back to its original state is encouraged if there is sufficient evidence available to carry this out accurately.

External painting

- Applications to use colours that are not on the heritage colour schedule supplied by Council should be accompanied by a report by a heritage architect outlining whether the original colour scheme can be ascertained by undertaking a paint scrape. If the colour scheme cannot be identified, the heritage architect should provide reasons as to why the alternative colour scheme is appropriate for the period and style of the building and/or precinct.

Trees and hedges

- Applications to remove part or all of a tree(s) or hedge(s) listed in the Heritage Overlay Schedule should be accompanied by a report from a qualified arborist outlining the health and structure of the tree and why it is considered to be dying or imminently dangerous.
- The report prepared by the heritage architect should outline what impact the proposed removal/lopping will have on the significance of the heritage place and what measures should be taken to minimise any negative impact.

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Reference documents

City of Whitehorse Heritage Review, 1999

City of Whitehorse Heritage Review, 2001

Heritage Precincts Report, 2004

City of Whitehorse Individual Heritage Properties Review 2006

William Street Precinct Report 2010

City of Whitehorse Heritage Assessments 2010

~~[Citation for 15 Hopetoun Parade, Box Hill dated 31 March 2014 prepared by Coleman Architects Pty Ltd](#)~~

~~[Citation for the Blue Flame Project, Vermont South dated 1 April 2014 and prepared by Built Heritage Pty Ltd.](#)~~

~~[Citation for 127 Whitehorse Road, Blackburn, 23 March 2014 and prepared by Built Heritage Pty. Ltd.](#)~~

Appendix D Clause 43.01 - Schedule to the Heritage Overlay as amended post exhibition by Council and the Panel

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SCHEDULE TO THE HERITAGE OVERLAY

The requirements of this overlay apply to both the heritage place and its associated land.

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-3	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
HO239	747 Canterbury Road, Surrey Hills	no	no	no	no	no	no		no
HO240	<i>Corcovado/Varndean</i> 751 Canterbury Road, Surrey Hills	no	no	no	no	no	no		no
HO241	<i>Corio Bay Villa</i> 1/42 Newton Street, Surrey Hills	no	no	no	no	no	no		no
HO268	<i>Woodleys</i> <i>15 Hopetoun Parade, Box Hill</i>	no	no	no	no	no	no		no
HO273	<i>Blue Flame Project</i> 2–9 and 11 Shalimar Court, 1–9 Parkleigh Court, and 3 and 5 Fortescue Grove, Vermont South	no	no	no	no	no	no		no
HO274	<i>Gurdwara (Sikh Temple)</i> <i>127 Whitehorse Road, Blackburn</i>	no	no	no	no	no	no		no