

*Planning and Environment Act 1987*

# Panel Report

Corangamite Planning Scheme

Amendment C36

**14 August 2014**



*Planning and Environment Act 1987*

Panel Report pursuant to Section 25 of the Act  
Corangamite Planning Scheme Amendment C36



Margaret Pitt, Chair



Boyce Pizzey, Member

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## List of Abbreviations

DSE	Department of Sustainability and Environment
DTPLI	Department of Transport, Planning and Local Infrastructure
HO	Heritage Overlay
LPPF	Local Planning Policy Framework
MSS	Municipal Strategic Statement
SLO	Significant Landscape Overlay
SPPF	State Planning Policy Framework
VPP	Victoria Planning Provisions

# 1 Introduction

Corangamite Planning Scheme Amendment C36 ('the Amendment') was prepared by the Corangamite Shire Council ('Council') as Planning Authority. As exhibited, the Amendment proposes to:

- Introduce a new heritage policy at Clause 22.05 and delete the existing policy
- Apply the Heritage Overlay (HO) to 10 heritage precincts
- Apply the HO to 76 individual places
- Make corrections to existing maps and HO Schedule to rectify errors.

The Amendment was prepared by Council and authorised by the Department of Transport, Planning and Local Infrastructure (DTPLI) on 17 November 2013.

The Amendment was placed on public exhibition from 5 December 2013 to 28 February 2014. Twenty submissions were received, comprising supporting submissions, submissions requesting corrections to maps and Citations, and submissions opposed to the application of the HO to the submitter's property on one or more of the following grounds:

- The place does not have heritage significance
- The extent of the HO should be reduced
- The place is in poor condition
- The HO will interfere with everyday farming activity
- The HO interferes with property rights
- The HO imposes financial and administrative burdens.

At its meeting of 22 April 2014, Council resolved to refer the submissions to a Panel for consideration. As a result, a Panel was appointed under delegation from the Minister for Planning on 6 May 2014 and comprised Margaret Pitt (Chair) and Boyce Pizzey (Member).

A Directions Hearing was held in relation to the Amendment on 20 May 2014. Following the Directions Hearing, the Panel undertook an inspection of a number of the subject sites and precincts. Further inspections were undertaken after the Public Hearing, and two additional inspections made on 18 July 2014 of properties that had not been made available earlier.

The Public Hearing was held in the Camperdown Community Centre on 7 and 8 July 2014 to hear submissions. Those appearing at the Hearing are listed in Table 1 below.

Table 1 Parties to the Panel Hearing

Submitter	Represented by
Corangamite Shire Council	Greg Hayes (Manager Building and Planning, Corangamite Council) and Samantha Westbrooke (Heritage Consultant)
Marie Thornton (Submission 5)	
National Trust of Australia (Vic) (Submission 19)	Paul Roser
IAI Australia Pty Ltd (Submission 3)	Georgiena Ryan

An expert witness report had been provided by Nathan McLaren of P J Yttrup and Associates Pty Ltd, Consulting Engineers on behalf of IAI Australia Pty Ltd (Submission 3). However, Mr McLaren was unable to attend the hearing.

The Panel accepted additional written and/or photographic submissions from the following submitters who were unable to attend the Public Hearing:

- Rosalie Moorfield (Principal) on behalf of Timboon P-12 School (Submission 13)
- Aaron Pomeroy (Submission 4)
- Edward and Marion Manifold (Submission 9)
- Marion Manifold on behalf of the Port Campbell Community Group (Submission 6).

Mr and Mrs Cole (Submission 20) attended the second day of the Hearing but as they had not made a request to be heard they were unable to make an effective submission to the Panel.

## 2 The Amendment

### 2.1 Background to the Amendment

Council's submission to the Panel provided the following summary of the Shire's geography and the nature and importance of its heritage assets:

*Corangamite Shire is located approximately 200kms south west of Melbourne. It extends from the rugged limestone coast on the Southern Ocean, across the volcanic craters and lakes and the basalt plains up to the Glenelg Highway in the north. It is bound to the east by the expansive Lake Corangamite and to the west by the Ayresford Road and Mt Emu Creek west of Terang. The Shire includes 12 significant settlements in its total area of 4,600km<sup>2</sup>.*

*The Shire contains some of the most significant heritage places in the State. In particular, the Shire forms part of Victoria's Western District and there is important evidence of the early settlement of Victoria and remnants of the large pastoral runs and grand houses of the squatters. The remnants of Koori occupation, the volcanic landscapes and the endangered grasslands in the Shire are also culturally significant.*

Section 12 (1) (a) of the *Planning and Environment Act 1987* states that a planning authority must implement the objectives of planning in Victoria.

Section 4 (1) sets out those objectives, including:

*(d) to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.*

Amendment C36 seeks to fulfil the Shire's obligations under the Act in relation to heritage conservation.

### 2.2 Heritage studies

Council's submission described the development of heritage studies within the municipality as follows:

*The former Town of Camperdown had its own extensive heritage study completed in 1999. The Allan Willingham; Camperdown: A Heritage Study: Assessment of Places of Cultural Significance in the Town of Camperdown: Study Findings and Final Report to the Corangamite Shire; Camperdown; 1999 (Camperdown Heritage Study) was a comprehensive research and list of heritage places within Camperdown.*

*The Camperdown Heritage Study was implemented in 2006 with planning scheme amendment C3 which implemented a number of its recommendations. Amendment C3 came into effect on 31 May 2007 with minimal changes. One of the recommendations of the C3 panel adopted by Council was:*

- that Council seek external financial assistance to complete a Shire-wide heritage study.*

*To this end funding was finally made available through Heritage Victoria in 2008 for Stage 1 of the Corangamite Heritage Study<sup>1</sup>. Stage 1 of the study comprised a draft Thematic History of the Shire and a list of 596 properties and places indicative of that history. A significant effort was made to consult with property owners and the community. The Study project Steering Committee included representatives from Heritage Victoria and the Department of Planning and Community Development (now DTPLI). Stage 1 was adopted by Council 15 December 2009.*

*Stage 2 of the Corangamite Heritage Study was commenced in April 2011 with the assistance of Mr Tonkin and Ms Westbrooke who undertook this stage based on a template from Heritage Victoria. Stage 2 undertook to conduct detailed assessments of the list of Indicative Places from Stage 1 and develop policy recommendations for implementation into the Corangamite Planning Scheme.*

*Stage 2 was adopted by Council on 24 September 2013 with the following recommendations:*

- Council adopt the Corangamite Heritage Study Stage Two and make it publically available.*
- Council seek authorisation from the Minister for Planning for preparation and exhibition of a Planning Scheme Amendment to make recommended policy changes and to include the 10 heritage precincts and 76 individual heritage places within the Heritage Overlay.*
- Council provide a copy of the Study to Heritage Victoria and request the eight identified state significant places be nominated for inclusion to the Victorian Heritage Register.*
- Council further consider the recommended cultural landscape once work on the DTPLI Regional Landscape Study and further proposed changes to Significant Landscape Overlays is complete.*

The Panel appreciates that the heritage consultants engaged to undertake Part 2 of the Study were faced with the task of assessing a list of 596 potential heritage sites identified in Stage 1. Ms Westbrooke outlined the process the Study team used to prioritise this list:

*At the commencement of this Stage 2 study the consultants undertook an extensive survey of as many of the 596 places identified in the Stage 1 Study that could be found. The purpose of this survey work was to identify places, which warranted priority investigation and could be placed on a shortlist for assessment as individual places. It was also possible at this stage to identify groups of places that would form the basis of heritage precincts. A significant number of the 596 places identified in the Stage 1 Study were included in the 10 heritage precincts, where they formed an integral part of those precincts and helped inform the identification of the potential individual places.*

*This survey work had some limitations. For example, it wasn't possible, at that stage to visit a number of the homestead complexes listed in the Stage 1 Study as they were often located well within properties and not clearly visible from the road. By and large, all of the places, which could be classified as rural homesteads and were known to the consultants or had existing National Trust identification,*

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<sup>1</sup> Stage 1 of the study was undertaken by Heritage Matters Pty Ltd.

*were included in the priority list on the basis that their significance could be finally assessed by means of inspections arranged with the owners ....*

*The aim was to identify places that reached the local significance threshold as well as obtaining a spread across the municipality and coverage of historic themes currently not well covered by the existing Heritage Overlay places. The Victorian Framework of Historical Themes and the Stage 1 Thematic Environmental History were used to assist in the choice of a range of places that reflected the history and cultural heritage of the Shire.*

*This has meant that there are many more places on the potential list that have clear local significance and even more places that require further investigation to determine their potential local significance. As a result there remain 265 places not assessed or documented as part of the Study (excluding the archaeological places) and the study proposes a priority list for further assessment and documentation to be incorporated into the Shire's Heritage Strategy to be completed in the period to June 2015.*

The Panel supports the process used by the consultants to establish a list of priority places for assessment.

In its final form, the Corangamite Heritage Study Stage 2 comprises three separate volumes:

- Volume 1: Overview, methodology and recommendations
- Volume 2: Precinct, individual place and cultural landscape citations
- Volume 3: Reviewed and revised thematic environmental history.

## **2.3 Methodology**

The methodology used in assessing heritage significance is a critical component of any heritage study, and provides reassurance that an appropriate level of detailed research underlies the Study's recommendations. In the Panel's view, and considering some of the submissions critical of the Study, it would be very useful for residents to be advised very clearly (and early in the process) what methodology the consultants will follow to assess the heritage significance of their properties.

Ms Westbrooke explained the methodology used in Stage 2 of the study as follows:

*In undertaking the assessment of individual places and precincts, each site was inspected (unless access was denied – this was the case with several homestead complexes) and current photographs taken.*

*Historical research undertaken included:*

- *An examination of available records including contemporary newspaper articles, map collections, information held and published by local historical societies, and land and property information held by Land Victoria. There was a limited examination of municipal rate records held by the Camperdown Historical Society.*
- *A review of secondary sources such as local histories, previous studies and historic research undertaken by other organisations such as Heritage Victoria and the National Trust of Australia (Victoria).*
- *Discussions with local historical societies, property owners and others.*

*In a number of cases, where access was denied it was possible to access historical and visual material that was otherwise available on the public record.*

*The place or precinct was assessed against the criteria published by the Victorian Heritage Council (commonly known as the HERCON Criteria). The Victorian Framework of Historical Themes and the Stage 1 Study Thematic Environmental History were also utilised to assist with the assessment.*

*The Study also completed a Comparative Survey of the places investigated in order to ensure that the spread of places across types and themes was achieved and to ensure the places were of sufficient significance comparatively (with places already in the overlay and other places being assessed) to warrant inclusion in the Heritage Overlay. This also helped inform the assessment of each of the places and a priority list for future assessments.*

*Of the 80 individual places identified for the short list, only 76 were recommended for protection following the assessment process.*

*Following the full draft consultation process, peer review by the steering committee (including representatives from Heritage Victoria) and full review by the strategic planner responsible for the project, corrections were made to the study and the report finalised.*

The study recommended that 8 sites be nominated for assessment for State significance and potential listing on the Victorian Heritage Register (These sites were referred to Heritage Victoria but no response had been received at the time of the hearing).

The study recommended 4 heritage landscapes be covered by the Significant Landscape Overlay (SLO). These landscapes were not included in the Amendment. However, one of the places (Port Campbell Headland) was referred to a wider study being undertaken by the State Government covering coastal landscapes along the Great Ocean Road. Council intends to exhibit all four SLO sites once the Government's study has been completed.

The study also included a list of 73 potential archaeological sites that should be the subject of future assessment.

## **Conclusion**

The Panel is satisfied that the methodology followed in the Corangamite Heritage Study Stage 2 was rigorous and meets current standards and guidelines. In those cases where the assessment was potentially hampered by denial of access to a rural property, the Panel is satisfied that the historic and photographic material accessed by the study team in relation to these properties provided a sound basis for assessment of local heritage significance.

## **2.4 Content of the Amendment**

Amendment C36 seeks to implement the recommendations of the Corangamite Heritage Study Stage 2, 2013, including amendment of the Local Planning Policy Framework (LPPF) and application of the HO to 10 precincts and 76 individual sites. The Amendment also seeks to amend the existing HO to correct anomalies in the mapping and schedule, and to delete redundant controls.

The Explanatory Report summarises the effect of the Amendment as follows:

- *Replace Clause 22.02 to remove the existing Clause 22.02-4 Natural & Cultural Heritage and renumber Clauses 22.02-5 and 22.02-6*
- *Insert new Heritage Policy at Clause 22.05 to apply to all land within a Heritage Overlay*
- *Insert new Schedules to Clause 43.01 from HO213 to HO298*
- *Reorder the Schedule to Clause 43.01 to list sites by location*
- *Insert Planning Scheme Maps 1HO, 9HO, 12HO, 14HO, 27HO and 28HO*
- *Amend Planning Scheme Maps 2HO, 4HO, 6HO, 7HO, 8HO, 10HO, 11HO, 13HO, 15HO, 16HO, 17HO, 18HO, 19HO, 20HO, 21HO, 22HO, 23HO, 24HO, 25HO, 26HO, 30HO and 31HO*
- *Amend the Schedules to Clause 43.01 to rectify anomalies, including amending HO1, HO5, HO6, HO24, HO25, HO89, HO90, HO100, HO103, HO106, HO120, HO121, HO122, HO124, HO169 and HO208 and deleting HO92, HO96, HO105, HO107, HO125, HO127 and HO141 from maps and Schedules*
- *Amend the Schedule to Clause 61.03 to include new planning scheme maps in the Corangamite Planning Scheme.*

The Explanatory Report lists the 10 heritage precincts as follows:

1. *Cobden Commercial and Civic Precinct, Curdie Street and High Street, Cobden*
2. *Derrinallum Commercial Precinct, Main Street, Derrinallum*
3. *Lismore Early Township Precinct, Ferrers Street and High Street, Lismore*
4. *Noorat Township Precinct, Terang-Mortlake Road, Glenormiston Road, McKinnons Bridge Road and Factory Lane, Noorat*
5. *Pomorneit North Township Precinct, Princes Highway, Foxbow-Pomorneit Road and Rands Road, Pomorneit North*
6. *Skipton Township Precinct, Montgomery Street, Cleveland Street, Anderson Street and Wright Street, Skipton*
7. *High Street Commercial Precinct, High Street, Terang*
8. *Lyons Street Precinct, Lyons Street and Baynes, Terang*
9. *Thomson Street Precinct, Thomson Street, Terang*
10. *Bradshaws Hill Residential Precinct, Warrnambool Road, Seymour Street and Tobin Street, Terang.*

The Explanatory Report also lists the 76 individual places as follows:

1. *Former Berrybank State School No. 3639, 7772 Hamilton Highway, Berrybank*
2. *Berrybank Homestead Complex, 8004 Hamilton Highway, Berrybank*
3. *Warwarick Homestead Complex, 315 Darlington Road, Bookaar*
4. *Newminster Park, tower and stables, Goonans Road, Bookaar*
5. *Chocolyn Homestead Complex, 217 Chocolyn Road, Camperdown*
6. *Cobden Technical School, 47 McKenzie Street, Cobden*
7. *Heytesbury House, 33 Parrot Street, Cobden*
8. *Former Cobrico Presbyterian Church, 670 Cobden-Terang Road, Cobrico*

9. *Former Cobrico State School No. 1174, Ewens Hill Road, Cobrico*
10. *Camp Cooriemungle, 30 Bornong Road, Cooriemungle*
11. *Lattice Truss Road Bridge over Woody Yallock River, Hamilton Highway, Cressy*
12. *Boggy Creek Pub, 1677 Timboon-Curdievale Road, Curdievale*
13. *Road Bridge and Ford over Emu Creek, Hamilton Highway, Darlington*
14. *Pircarra Homestead Complex, 159 Pircarra Lane, Darlington*
15. *Darlington Mechanics Institute & Soldier Settlement Memorial, 2 Ware Street, Darlington*
16. *Residence, Craigmore, 29 Heards Road, Derrinallum*
17. *Uniting Church and Hall, 56 Main Street, Derrinallum*
18. *Derrinallum Public Hall, 78 Main Street, Derrinallum*
19. *Former Derrinallum Butter Factory, 95 Vite Vite Road, Derrinallum*
20. *Dixie Public Hall, Dixie School Road, Dixie*
21. *Karoo House, 1249 Cobden-Terang Road, Dixie*
22. *Puunyart Homestead Complex, Blind Creek Road, Gnotuk*
23. *Gnotuk House, 34 Gnotuk Lane, Gnotuk*
24. *Former Jancourt State School No. 2756 and Hall, 2 Clarkes Road, Jancourt*
25. *Red Hill Public Hall, 781 Cobden-Lavers Hill Road, Jancourt East*
26. *Mt Myrtoon, 1260 Camperdown-Lismore Road, Kariah*
27. *Milangil Homestead Complex, 285 Milangil Road, Kariah*
28. *Former Koallah State School No 4225, 449 Koallah Road, Koallah*
29. *Myrtle Grove House and Garden, 1050 Mortlake-Terang Road, Kolora*
30. *Former Anderson Memorial Hall and Closer Settlement Memorial, 1360 Leslie Manor Road, Leslie Manor*
31. *Cottage and former shop, 10 Ferrers Street, Lismore*
32. *Lismore Recreation Reserve, Seymour Street, Lismore*
33. *Lismore Memorial (Croquet and Bowls) Club, 34-36 William Street, Lismore*
34. *Residence, 48 William Street, Lismore*
35. *Masonic Hall, 56 William Street, Lismore*
36. *Mt Noorat Homestead Complex, 135 Glenormiston Road, Noorat and Blacks Lane Driveway*
37. *Glenormiston Cheese & Butter Factory, 604 Terang-Mortlake Road, Noorat*
38. *Former Rabbit Canning Factory, 2010 Princes Highway, Pirron Yallock*
39. *Stony Rises Homestead Complex, 2020 Princes Highway, Pirron Yallock*
40. *Residence and former Post Office, 2601 Princes Highway, Pomborneit*

41. *Former Presbyterian Church and Sunday School, 2697 Princes Highway, Pomorneit*
42. *Braeside Farmhouse, 2761 Princes Highway, Pomorneit*
43. *Former Pomorneit East State School No. 4126, 649 Hawks Nest Road, Pomorneit East*
44. *Former Creamery, 901 Hawks Nest Road, Pomorneit East*
45. *Lakeside Homestead, 50 Oppenheims Outlet Road, Pomorneit North*
46. *Greenwood Farm Complex, 2806 Princes Highway, Pomorneit North*
47. *Pomorneit Recreation Reserve, Princes Highway, Pomorneit North*
48. *Rocket Shed, Lord Street, Port Campbell*
49. *Former Port Campbell Hall and WW1 Memorial Horse Trough, 42 Lord Street, Port Campbell*
50. *Sherbrooke Lodge, 49 Sherbrooke Lodge Road, Port Campbell*
51. *Sherbrooke Guide Camp, Yaruck Road, Port Campbell*
52. *St Andrews Church, 2435 Lavers Hill-Cobden Road, Simpson*
53. *Simpson Cheese Factory and Workers Houses, 2470 Lavers Hill-Cobden Road*
54. *Langi Willi Homestead Complex and Garden, 3980 Glenelg Highway, Skipton*
55. *Skipton State School No. 582, 7 Montgomery Street, Skipton*
56. *Residence, 25 Smythe Street, Skipton*
57. *Former Home of Sir Henry Bolte, 44 Smythe Street, Skipton*
58. *Former South Purrrumbete Creamery, 1062 Cobden-Stoneyford Road*
59. *Former St Brigids Catholic Church, 2 Walsh Road, South Purrrumbete*
60. *Terang Community Hospital, 1 Austin Avenue, Terang*
61. *Residence, 41 Baynes Street, Terang*
62. *Residence, 95 Baynes Street, Terang*
63. *Uffington House and Garden, 1400 Bend Road, Terang*
64. *Residence, 26 Bolivar Street, Terang*
65. *Residence, Karawah, 30 Burkes Road, Terang*
66. *St Thomas Church Hall, 20 Estcourt Street, Terang*
67. *Former St Thomas the Apostle Church and Presbytery, 1 Foley Street, Terang*
68. *Terang Racecourse Reserve, 10 Keilambete Road, Terang*
69. *Residence, 1 McWilliam Street, Terang*
70. *Terang College Junior Campus, 6655 Princes Highway, Terang*
71. *Keayang Homestead, 6727 Princes Highway, Terang*
72. *Terang College, Senior Campus, 45 Strong Street, Terang*

73. *Timboon High School, 13 Bailey Street, Timboon*
74. *Timboon Hall, 10 George Street, Timboon*
75. *Weerite Hall and Soldier Settlement Memorial, 14 Lenehans Lane, Weerite*
76. *Wiridgil Homestead Complex, 590 Wiridgil Road, Weerite.*

The Explanatory Report also listed 48 existing HO sites affected by map and schedule corrections as part of the Amendment.

## **2.5 Proposed post-exhibition changes**

At the Hearing, Council proposed some post-exhibition changes to the Amendment, comprising proposed modifications of the extent of the HO boundary in some individual heritage places, and number of technical corrections to the exhibited schedule. The Panel supports the technical schedule corrections proposed by Council.

The proposed modifications to exhibited HO boundaries were noted by Council prior to the Hearing but not approved, and therefore do not have the status of changes to the Amendment as set out under s.23 (1) (a) of the Act. The Panel noted that the revised boundaries were defined with no input from the Heritage Consultant.

The proposed revised HO boundaries are generally not supported by the Panel, but are discussed in relation to the relevant properties in Chapter 7 of this report. A discussion on the establishment of HO boundaries on rural properties is included in Chapter 5.2.

## **2.6 Issues dealt with in this report**

The Panel has considered all written submissions, as well as submissions and all other information 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 specific sites.

This report deals with the issues under the following headings:

- Strategic planning context
- Proposed new heritage policy
- General issues raised by submitters
  - Social and economic issues
  - Impact on farming activity
  - Building condition
  - Right to privacy
  - Cost of permits
  - Property values
  - Impact of tree controls on perimeter plantings
  - Inaccuracies in Citations
  - Consultation process
  - Port Campbell Headland.
- Submissions on heritage precincts
- Submissions on individual places.

## 3 Strategic planning context

### 3.1 Policy framework

The Panel has reviewed the policy context of the Amendment and made a brief appraisal of the relevant State and local policies and other relevant planning documents.

#### (i) State Planning Policy Framework

The most relevant State Planning Policy Framework (SPPF) clause is 15 *Built Environment and Heritage*, which states that:

*Planning should ensure all new land use and development appropriately responds to its landscape, valued built form and cultural context, and protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value.*

*Creating quality built environments supports the social, cultural, economic and environmental wellbeing of our communities, cities and towns.*

This statement is supported by more detailed objectives and strategies in Clause 15.03-1.

Other clauses of the SPPF that are relevant to particular sites and areas in the Amendment are as follows:

Clause 11.05-3 Rural productivity

*Manage land use change and development in rural areas to promote agriculture and rural production.*

#### (ii) Local Planning Policy Framework

The Corangamite LPPF includes the following objectives and strategies that are relevant to this Amendment.

Clause 21.01 Municipal profile

*The cultural heritage of the Shire is rich and is comprised of both natural and built items and places. Much is represented in the layout and pattern of historic rural townships, individual buildings, precincts, monuments, significant gardens, formal plantings and tree lined avenues, rural holdings such as dry-stone boundary fences, homesteads and outbuildings and Aboriginal cultural heritage sites...*

Clause 21.03 Vision and Strategic Framework Plan

*The major strategic issues identified on the Strategic Land Use Framework Plans include:*

*The need for the protection of:*

- *substantial heritage assets of the Shire including those within towns and rural based assets outside the towns.*

Clause 21.04-1 Settlement

The objective 'To protect heritage buildings and places' is included in relation to the townships of Camperdown, Cobden, Derrinallum, Lismore and Terang.

In relation to the township of Timboon, the clause also identifies ‘*recognition and promotion of town heritage*’ and ‘*to retain historic elements of the town, particularly in the community and commercial centre*’ as objectives for this township.

Clause 21.04-1 Settlement also contains the following under the heading ‘Cultural Heritage’:

#### *Overview*

*The heritage of the Shire is rich. The Shire’s built environment contains a unique mix of historic rural townscapes, rural landscapes, streetscapes, historic precincts, old signage, significant and lesser known historic buildings ranging from small cottages to public buildings, Aboriginal cultural resources, gardens and formal plantings, rural holdings, associated homesteads, outbuildings and dry stone walls as well as distinctive volcanic cultural landscapes located throughout the Shire, all contribute to the richness of the built heritage and cultural landscapes.*

*Camperdown is a fine example of a 19<sup>th</sup> Century Victorian rural town with one of the finest country town avenues in Australia. Together with other historic smaller agricultural towns, historic rural homesteads, outbuildings and structures this establishes Corangamite Shire as one of the State’s historic rural areas.*

#### *Objectives*

- *To conserve heritage buildings, places, Aboriginal sites and significant cultural landscapes*
- *To provide certainty and direction for the redevelopment of heritage buildings*
- *To protect places of cultural significance and support the conservation of those localities threatened by development or neglect.*

#### *Strategies*

- *Extend the level of heritage planning controls for all notable buildings and places throughout the Shire by completing a shire-wide heritage study*
- *Ensure that all new development is in sympathy with the character and heritage associated with the site, place, precinct, town, area or the general surrounds.*

Clause 21.04 Agriculture emphasises the role of agriculture in the Shire’s prosperity:

*Primary industry is the largest single industry in the Corangamite Shire. The Shire contains land of such quality that it is important on a State and national level. Agricultural industries in the Shire generate approximately \$242 million worth of product. Milk production contributes approximately \$154 million representing 63% of the total agricultural production for the Shire and approximately 11.5% of Victoria’s total milk production. Other significant farm types are sheep (14.5%) and meat cattle (13.3%).*

#### *Objectives*

*Ensure that the use and development of rural land is both compatible and complementary to agricultural activities.*

### **(iii) Local Planning Policy**

Part of the current Planning policy at Clause 22.02-4 *Natural and cultural heritage* is to be deleted and replaced with a new Clause 22.05 Heritage Policy as part of the Amendment.

### 3.2 Ministerial Directions and Practice Notes

The following Ministerial Directions apply to Amendment C36:

- Form and content of planning schemes
- Planning Scheme Amendment process (Direction No 15).

The Amendment complies with these Directions.

The following Planning Practice Notes are relevant to the consideration of this Amendment:

- Applying the Heritage Overlay, September 2012 (PPN01)
- Incorporated and reference documents, October 2013 (PPN13).

#### (i) Applying the Heritage Overlay

The VPP Practice Note *Applying the Heritage Overlay* ('the Practice Note') provides guidance on places that should be included in the HO. It requires that the process leading to the identification of heritage places should be undertaken with rigor. The documentation for each place should include a statement of significance that clearly establishes the importance of the place. The assessment should be rigorous and heritage controls applied judiciously and with justification.

In the Corangamite Heritage Study Stage 2, places of cultural heritage significance were identified and assessed using the HERCON criteria published by the Victorian Heritage Council.

The Panel concludes that Amendment C36 generally complies with the Practice Note *Applying the Heritage Overlay*, although the drawing of HO boundaries in rural areas may not always be consistent with the Practice Note, which states that:

*... there will be occasions when the area to which the provision applies should be reduced so that it does not apply to the whole of the property.*

*Examples might include:*

- *a homestead on a large pastoral property where only the buildings and their immediate surroundings are important but not the remainder of the property.*

This issue is discussed in Chapter 5.2 of this report.

#### (ii) Incorporated and reference documents

The Practice Note *Incorporated and Reference Documents* provides guidance on the type of documents that are appropriate for incorporation into a planning scheme.

The Amendment proposes to include the Corangamite Heritage Study Stage 2 (Volumes 1, 2 and 3) as a reference document.

The Panel concludes that Amendment C36 complies with the Practice Note *Incorporated and Reference Documents*.

### **3.3 Overall strategic assessment**

The Panel concludes that the Amendment is supported by, and implements, the relevant sections of the SPPF and LPPF and generally achieves an appropriate balance between competing objectives.

However, in Chapter 5.2 the Panel has made recommendations about modifications to the Amendment to better recognise the interaction between agricultural and heritage objectives, which particularly affect the Shire's farming community.

The Amendment is otherwise consistent with the relevant Ministerial Directions and Practice Notes.

## 4 Proposed new heritage policy

### 4.1 Policy content

The Amendment proposes to include a new heritage policy at Clause 22.05 of the Planning Scheme. The Policy will replace the existing Clause 22.02-4 *Natural and Cultural Heritage*.

The proposed policy sets out overarching heritage objectives, policies and decision guidelines, followed by more specific policies under the headings:

- Demolition
- Subdivision (includes performance standards)
- Restoration
- Additions and alterations (includes performance standards)
- New buildings in heritage precincts (includes performance standards)
- Commercial streetscapes and places (includes performance standards)
- Streetscape, infrastructure, avenues, landscapes and trees
- Front fences (includes performance standards)
- Car parking (includes performance standards)
- Ancillary services (includes performance standards)
- Policy references.

The *Corangamite Heritage Study Stage 2, Volumes 1, 2 & 3* (R. Tonkin and S. Westbrooke, 2013) is listed as a Reference Document.

The existing policy at Clause 22.02-4 focuses mainly on the Camperdown precincts and places that were the subject of Alan Willingham's 1995 and 1998 study *Camperdown Heritage Study - Assessment of Places of Cultural Significance in the Town of Camperdown, Study Findings and Final Report, Volumes 1 & 2*. Many of the existing policies have been incorporated into the new, expanded policy.

### 4.2 Discussion

Council's submission stated that the purpose of the proposed policy is to '*give additional guidance to applicants as to how proposals will be considered by Council against the provisions of the overlay*'.

Ms Westbrooke advised the Panel that the new policy was developed after a review of heritage policies in other municipalities, and utilising her experience as a Heritage Adviser in other municipalities using heritage policies.

No submissions were received in relation to the proposed new heritage policy.

### 4.3 Conclusions and recommendations

The Panel has reviewed the proposed heritage policy and considers it provides very helpful guidance for both residents and Council staff in understanding how permit applications for sites subject to the HO will be assessed.

## 5 General issues

The Panel's principal role in assessing a heritage amendment is to address the question of whether or not the properties proposed for protection meet the criteria for heritage significance. There are a number of other issues raised by submitters which are viewed as best considered by Council when a planning permit is sought.

The approach which has traditionally been adopted by Panels separates the assessment of the significance of the place from the later consideration of its conservation, adaptation, alteration or demolition. This separation conforms with established heritage conservation principles and mirrors the processes of the Victorian *Heritage Act 1985*. It also allows long term factors such as enduring heritage significance, and short term considerations such as building condition, personal wishes and circumstances, to be given proper weight at the most appropriate time.

As an example, the Panel Report on Amendments C157 and C163 to the Yarra Planning Scheme addressed this issue as follows:

*This Panel also supports the views of many previous Panels that an owner's opposition to an HO, on grounds such as impediments to development, costs or impact on property prices, does not of itself constitute a reason to exclude a place, providing its heritage significance has been shown to meet the appropriate threshold.*

A range of issues raised by submitters to Amendment C36 concern the potential impact of the HO rather than the heritage significance of a place. Most of these issues were raised by more than one submitter and are addressed in this chapter of the report.

This Chapter also addresses general issues about statutory elements of the Amendment arising from other matters.

### 5.1 Social and economic issues

#### (i) Section 12 (2) (c) of the *Planning and Environment Act 1987*

A recent amendment to s.12 of the *Planning and Environment Act 1987* ('the Act') requires that the planning authority '**must take into account ... social effects and economic effects**' of an amendment as well as environmental effects.

This is not to say that social and economic issues were not taken into account in the past, or that they should be now given primacy. There has always been a requirement for a balance to be found between competing objectives. Clause 10.04 of the SPPF states that:

*Planning authorities and responsible authorities should endeavour to integrate the range of policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.*

The Panel makes the following comments on the impact of the introduction of s.12 (2) (c) into the Act on Amendment C36:

- A requirement to consider an effect does not imply that the effect must prevail in any balancing decision.

- The social and economic effects most likely to be relevant at the Amendment stage are those of a broad community nature rather than of a personal kind. This is consistent with the long-standing approach taken to such issues in planning decision-making by both planning Panels and VCAT.
- Personal economic effects (or the effects for a particular place) will still be considered at the permit stage. It should be noted that s.60 of the Act, which relates to matters to be considered when deciding on planning permit applications, consents and the like, was also changed by the amendments to the Act – making significant social and economic matters a mandatory consideration at the permit stage.

When viewed in the context of integrating policies and net community benefit, the Panel believes there is overwhelming support in the community for the protection of heritage places. The Panel Report on Amendments C157 and C163 to the Yarra Planning Scheme addressed this issue as follows:

*It seems to us self-evident that if no impediments were ever to be placed on the development potential of private property, the Act would not contain an objective seeking to conserve and enhance heritage places and the VPP would not provide tools that recognise particular values of land (e.g. landscape, environmental significance, heritage) or constraints on development (eg erosion, flooding, salinity). It is clear that the planning system is designed to enable a whole range of relevant matters to be 'flagged' to decision makers and taken into account in determining the future use and development of land.*

Nevertheless, there is still a requirement to consider potential economic and social effects and integrate them with an amendment as far as possible. This is particularly so where these effects are directly or indirectly raised in submissions. If the potential effects are assessed as realistic concerns, but do not outweigh heritage value, the amendment should be structured in a way that minimises the effects as far as possible.

#### **(ii) Council's approach to social and economic issues**

The Panel considers that the Shire could have undertaken a more detailed analysis of the interaction between the proposed heritage protection and potentially conflicting State and local objectives and policies especially those relating to agriculture.

Council's submission to the Panel contained the following simple statement:

*The social and economic benefits of this amendment will be to strengthen community appreciation and understanding of heritage values within the Shire.*

Similar statements have been made in relation to many Amendments prior to (and in some cases after) the changes to s.12 (2) (c) of the Act, but in the Panel's opinion greater attention now needs to be given to this issue where it has emerged as a local concern. Under the heading 'Impact on farm activity' Council's submission stated that:

*The HO seeks to control development and change and does not seek to restrict the use of Farming Zoned land for farming. The control is a better way to manage change whilst still protecting and preserving the Shire's cultural heritage.*

However, this did not address the concerns expressed in submission about potential impact on farming practices, including farm viability, especially where the extent of the exhibited HO includes large areas of farming land that does not of itself have any heritage significance, but has been included as part of the setting of a heritage place. Similarly, Council did not address the concerns about privacy raised by some submitters, which could be seen as social impacts.

The Panel considers that in preparing future amendments, planners take note of the requirements of s.12 (2) (c) of the Act, and respond to them in a more comprehensive way.

## **5.2 Impact on farming activity**

Several submitters (Submissions 3, 5, 8, 9, 12 and 17) raised concerns about the potential impact of the HO on farming activity. Some were concerned about practical issues arising from the requirement for permits for typical farm management activities such as the moving of fences, lopping/removal of trees, construction/alteration/demolition of sheds and outbuildings, where these items have not been identified as significant. Others extended this argument to include the potential economic impact on their farms. As one submitter expressed it:

*The HO has no functional, practical, aesthetic or economic connection with farming and will restrict farming activity in the overlay.*

The same submitter quoted extensively from the SPPF (Clause 17.05 Agriculture), the Rural Zones Review and the purposes of the Farming Zone, which all offer strong support for the role of agriculture in the economic well-being of the State and the need to protect agricultural land for this purpose.

The Panel accepts that the planning system is often required to balance competing objectives. As quoted in Chapter 5.1(i) above, Clause 10.4 of the SPPF says the balance should fall in favour of net community benefit. In this case, the Panel considers that the long-term benefits of identifying and protecting significant heritage places can co-exist with the benefits of agricultural activity, which may vary from season to season or year to year.

However, the Panel considers that a better balanced outcome could be achieved by using planning mechanisms to minimise the impact of the HO on agricultural enterprises. The two mechanisms proposed are the use of an Incorporated Plan to provide permit exemptions for everyday farming works, and setting the boundaries of the HO in way that focuses on the significant elements and minimises the HO's intrusion into agricultural land.

These two mechanisms are discussed below.

### **5.2.1 Use of Incorporated Plan**

#### **(i) Discussion**

A useful example is provided in the Latrobe Planning Scheme's Incorporated Document titled *Latrobe City Heritage Overlay Planning Permit Exemptions and Application Requirements* which includes the following section relating to rural areas:

### 3.4. Individual places in Farming or Rural Living Zone

*Under Clause 43.01-2 of the Planning Scheme, no planning permit is required for the following development for properties within the Farming Zone subject to the Heritage Overlay:*

- *Construction of a fence or demolition, removal or alteration of any fence.*
- *Demolition of or alterations to a building that is not a Significant feature. This includes routine maintenance that would change the appearance of a building.*
- *Construction of a building provided that the building is no closer to a road than a Significant feature and is not less than 10 metres from any Significant feature on that property.*
- *Carrying out of works associated with a Section 1 use.*
- *Installation of plant and equipment associated with a Section 1 use. This does not apply if it would require the removal, demolition or alteration of a Significant feature.*
- *Installation of plant or equipment associated with hot water services or central heating units provided that the equipment is not attached to a front façade of a building that is a Significant feature.*
- *Construction of equipment associated with a roof-mounted solar hot water system or satellite dish provided that the equipment is not situated on that part of the roof that faces directly toward a street or road.*
- *Replacement or installation of a domestic television aerial.*
- *Construction of a pool or spa and associated mechanical equipment or fencing on any property. This does not apply if it would require the removal, demolition or alteration of a Significant feature.*

The Incorporated Plan includes the following definition of the term ‘Significant feature’:

*A Significant feature is any feature (building, tree, structure etc.) that the Latrobe City Heritage Study 2008 identifies as contributing to the significance of a heritage place.*

The Mitchell Shire has also adopted a *Mitchell Shire HO Permit Exemptions Incorporated Plan* as part of Amendment C56 (still awaiting Ministerial approval) with the same wording, but adding the following qualification to the first point regarding fences:

*This does not apply if the fence is identified as a Significant feature.*

Both Incorporated Plans also provide permit exemptions for the following categories:

- Heritage Precincts
- Individual places in the Residential 1 Zone or Township Zone.

The Latrobe Incorporated Plan also provides exemptions for trees not identified as significant in the township of Glengarry (a heritage precinct).

Specific exemptions for a number of individual heritage places are also included.

The Panel hearing Amendment C56 to the Mitchell Planning Scheme made the following comment on the proposed Incorporated Document:

*The Panel strongly supports this Incorporated Document, which should reassure owners of residential properties in a Heritage Overlay that many minor works on their properties, including routine repairs and maintenance, outbuildings etc. can*

*be undertaken in the manner prescribed in the document without the need for a permit. The document will also significantly reduce the administrative burden on Council.*

The Panel concludes that a similar Incorporated Plan should be introduced into the Corangamite Planning Scheme. The plan should provide similar exemptions for individual places in the Farming or Rural Living Zones as those in the Latrobe Planning Scheme, although the exemption should not apply to fences identified as significant elements of a heritage place.

The Panel also considers that permit exemptions should also be applied to the lopping, destruction or removal of trees that are not identified as significant elements of the heritage place. Assuming tree controls are to be applied to a precinct or individual place, this would need to be preceded by a horticultural assessment in future cases.

Council should also consider extending the Incorporated Plan to include exemptions for individual places in residential zones and in heritage precincts, similar to those in the Latrobe Planning Scheme.

The Panel has also considered whether the recommended Incorporated Plan could be included in Amendment C36 or would require exhibition. The purpose of the Incorporated Plan is to reduce the requirement for permits on properties in the HO. It has clear benefits for property owners and simplifies the administration of the planning scheme. It does not impose any additional controls.

The Panel therefore concludes that the inclusion of an Incorporated Plan providing permit exemptions for works that do not impact on significant features of a heritage place satisfies the 'no detriment' test and does not require further exhibition.

## **(ii) Recommendation**

The Panel recommends that:

- 1. Council prepare an Incorporated Plan for individual heritage places in rural and residential zones, and for places in heritage precincts, which exempts specified works that do not impact on significant features of a heritage place from the requirement for a permit.**
- 2. The Incorporated Plan be included as part of Amendment C36.**

### **5.2.2 Extent of HO boundaries**

#### **(i) Discussion**

HO boundaries in rural areas are frequently drawn using title boundaries, as they are in residential areas. This practice often results in very large areas of agricultural land around the dwelling and garden being included in the HO, although the land is by its nature a landscape that changes according to the type of agriculture it is being used for at any one time, and has no intrinsic heritage significance of its own.

The reasons usually advanced for the inclusion of farming land in the HO are that it *'just follows a title boundary'* and/or *'provides a rural setting'* that recognises the use of the heritage

asset as part of a farm. While this may be an acceptable outcome when access to the place has been refused, it is not sufficient when the heritage consultants have had the opportunity to inspect the property.

However, submissions about the practical impacts of the HO often expressed by the owners of farming properties can be genuine concerns, and it needs to be recognised that there are many works and activities on farms that would require a planning permit under the HO, often quite unnecessarily. It is not the purpose of the HO to frustrate the proper management of farming land, especially given its economic importance to the State. The planning system should include mechanisms to support agricultural enterprises by reducing unnecessary planning permit requirements, and at the same time simplify administration of planning schemes.

The Panel has considered several heritage amendments in rural areas, and noted that the area of the HO is usually reduced in response to submissions and subsequent re-inspections. This process can result in inequitable treatment between farming properties that have made submissions and those that have not. Neither does it provide appropriate precedents for future heritage studies in Victoria.

It needs to be acknowledged that the risk of development of surrounding agricultural land that impacts on the heritage place is negligible, due to both the limits on subdivision and construction of a dwelling in the Farming Zone, and the desire of owners to gain returns on their productive land. Furthermore, the owners of most heritage homesteads enjoy good views across their agricultural land and would wish to retain them for both informal surveillance of their property and their pleasure.

The Panel notes that the Planning Practice Note *Applying the Heritage Overlay* provides the following guidance in regard to HO boundaries:

*The Heritage Overlay applies to both the listed heritage item and its associated land (refer Clause 43.01 - Scope). It is usually important to include land surrounding a building, structure, tree or feature of importance to ensure that any new development does not adversely affect the setting or context of the significant feature. In most situations, the extent of the provision will be the whole of the property (for example, a suburban dwelling and its allotment).*

*However, there will be occasions when the area to which the provision applies should be reduced so that it does not apply to the whole of the property.*

*Examples might include:*

- a homestead on a large pastoral property where only the buildings and their immediate surroundings are important but not the remainder of the property.*

In the experience of the members of this Panel, the advice in the Practice Note is often not followed in relation to large pastoral properties. This may be understandable in cases where the consultant is refused access to the property and cannot determine a more appropriate boundary without inspection. However, in cases where access is provided, the HO boundary should be consistent with the Practice Note and recognise both heritage and agricultural imperatives.

In the Panel's view, this may be resolved through a clearer definition in the Practice Note of the words '*the buildings and their immediate surroundings*' and '*the remainder of the property*', in recognition of the everyday demands of farm management.

This mechanism would have the advantage of State-wide application and could be established quickly as best practice within the heritage profession.

## **(ii) Recommendation**

The Panel makes the following recommendation:

**DTPLI should review the wording of the Practice Note Applying the Heritage Overlay to more clearly define the guidance on establishing HO boundaries on productive agricultural properties.**

## **5.3 Building condition**

This is another issue raised by some submitters. It is often expressed in terms of the costs of repair to the building's owners.

There is no obligation to repair arising from inclusion in the HO. In the Panel's view this private financial matter is not relevant to the assessment of heritage significance. There are many sites identified in the HO and on the Victorian Heritage Register that are in poor or even derelict condition, but have nevertheless been identified as significant on the grounds of their social, historic or aesthetic significance.

The time for taking building condition into account is when an application for a permit is made and the details of what is proposed (demolition or alteration) are clear.

The Panel notes that under the proposed Heritage Policy, an application for demolition of a significant or contributory heritage place must demonstrate that:

- *the building is structurally unsound, and*
- *the original fabric of the building has deteriorated to such an extent that a substantial reconstruction would be required to make the place habitable; and*
- *the proposed replacement building will make an equal or greater contribution to the streetscape than the building to be demolished.*

This guidance will assist owners of heritage places when preparing an application for demolition. There is similar clear guidance for applications for alterations and additions to heritage places.

## **5.4 Right to privacy**

Some submitters on rural properties were concerned that identification of their heritage properties on Planning Scheme maps would encourage unauthorised access to the property and impact on their right to privacy. This concern was exacerbated by a suggestion from Council at some point prior to the Hearing (but not documented in the Amendment) that an 'App' could be developed to facilitate heritage tourism.

The issue of privacy was not addressed in Council's submission. However, in the Panel's experience, there has been no evidence elsewhere in the State of the identification of

heritage places on HO maps or schedules leading to increased unauthorised access to rural or other properties. In fact, it would require a high degree of persistence and a good working knowledge of the planning system to identify relevant properties.

Nevertheless, the Panel notes residents' concerns that the development of an App has the potential to facilitate unauthorised access to private rural properties. Council should seek its own legal advice as to whether general privacy issues are raised by this proposal to develop a phone application (App).

#### **(i) Recommendation**

The Panel recommends that:

- 3. If Council proceeds with any proposal to develop an App to facilitate heritage tourism, it should first seek legal advice as to whether privacy laws would be breached.**

### **5.5 Cost of permits**

While the burden and cost of applying for permits is an issue often raised by submitters, it is usually expressed in terms of personal rather than community impact. The view that permit costs for individuals are not relevant to heritage assessment has been adopted in Panel reports for many years (e.g. the Panel report on Amendment C58 to the Ballarat Planning Scheme). There are many planning overlays that trigger the need for a permit for a variety of reasons, all of which are consistent with the objectives and policies for planning in Victoria.

The Panel also notes that the proposed Clause 22.05 Heritage Policy provides extensive guidance as to what may be permitted under the HO. It covers matters such as subdivision, demolition, alterations and additions, new buildings in heritage precincts, commercial heritage streetscapes, front fences etc. Residents therefore can gain a clear idea of how their application will be assessed before preparing their plans and permit applications.

The Panel also notes that the recommendation in Chapter 5.2 (above) that an Incorporated Plan should be included in the Amendment, if adopted, will provide a range of exemptions from permit requirements for minor works at heritage places in rural and residential zones.

### **5.6 Property values**

This is an issue that was sometimes raised in relation to the application of the HO. There has been no definitive, independent study to ascertain whether the HO has any impact (positive, negative or neutral) on property value. No evidence has been provided to support assertions that property values would be reduced.

In the absence of any substantiating evidence, weight cannot be placed on these submissions.

## 5.7 Impact of tree controls on perimeter plantings

A number of submissions from the owners of properties with extensive perimeter, windrow and/or driveway plantings raised concerns about the impact of the HO on their management of these features where they have been identified as a significant element of a heritage place.

Cypress, pine or other exotic perimeter plantings are a significant feature in the Corangamite Shire landscape, but are typically ageing and increasingly subject to disease and decay.

The Panel notes the following policy for significant trees in the proposed new Heritage Policy at Clause 22.05.

*It is policy to:*

- *Discourage the removal of trees with an identified heritage value unless it can be demonstrated that:
  - *The tree is dead or dying;*
  - *The tree is causing structural damage to an existing heritage structure which cannot be dealt with by any other means; and*
  - *Appropriate replacement landscape is provided that respects the heritage place, maintains significant views and does not cause physical threat to existing heritage structures.**
- *Require that an application to remove, destroy or lop trees with an identified heritage value be accompanied by a report from a suitably qualified arborist to the satisfaction of the responsible authority.*

The Panel believes that these requirements are potentially onerous for owners of properties with extensive perimeter or driveway plantings that have been identified as significant. It may be appropriate for the scheme to allow for the preparation of an approved Conservation Management Plan for such plantings, which recognises the inevitable need to lop, remove or replace individual trees as they deteriorate, and does not require a separate permit for decisions on each individual tree. The Plan should be prepared with the assistance of a qualified arborist.

Implementation of this measure would require a specific statutory mechanism such as an Incorporated Plan. In Chapter 5.2 the Panel has recommended preparation of an Incorporated Plan to provide specific permit exemptions for rural properties that are actively farmed. A separate section addressing perimeter plantings and providing permit exemptions for works in accordance with an approved Conservation Management Plan could be included in the same Incorporated Plan. A definition of 'perimeter plantings' would need to be developed to include plantings developed for a variety of purposes and locations, and may need to include a minimum length or number of trees.

As in Chapter 5.2, the Panel recommends that an Incorporated Plan that had the effect of reducing the requirement for permits under the HO would not require exhibition and could be included as part of Amendment C36.

**(i) Recommendation**

The Panel recommends that:

- 4. The recommended Incorporated Plan is to include a provision for significant perimeter plantings, providing permit exemptions for works in accordance with an approved Conservation Management Plan prepared by a qualified arborist to the satisfaction of the responsible authority. The term 'significant perimeter plantings' is to be clearly defined.**

**5.8 Inaccuracies in Citations**

Some submissions pointed out inaccuracies in the Citations, while others provided useful additional historic and other information.

The Council's submission to the Panel provided responses from both the Heritage Consultant and Council. The Heritage Consultant's response stated that the information from submissions '*can and will be used to revise the Citation*'. However, the Council response merely '*acknowledged*' the additional detail from the submitters. Council advised the Panel that Council was reluctant to update the volume of Citations, due to the expense.

The Panel considers it imperative that the Citations be updated. They contain information on which Council will base decisions on permit applications, and on which owners of heritage places are entitled to rely in preparing permit application. Council has a duty to ensure that the Citations are as complete and accurate as possible.

**(i) Recommendation**

The Panel recommends that:

- 5. Volume 2 of the Study (Citations) is to be updated to:**
  - a) Correct errors drawn to Council's attention through the Amendment process**
  - b) Incorporate new information provided by submitters where appropriate**
  - c) Update the maps showing HO boundaries that have been modified through the Amendment process.**

**5.9 Consultation process**

Some submitters were concerned about the adequacy of the consultation process followed in preparation of the Study and the Amendment.

Council's submission described the three-level consultation process as follows:

- *At an early stage in the Study, a meeting with representatives of local historical societies was held. At that meeting the consultants presented their understanding of the history of the study area and their initial views on identification and assessment. This also provided an opportunity to identify sources of information for the latter stages of the study.*
- *Discussions were held with individual property owners about their places and the purposes of the study, as the Study progressed. A letter was sent to the owners of*

*properties on the short list of 80 places and this generated a number of enquiries directly to the consultants and led to organised site inspections.*

- *At full draft stage, the draft citations were circulated to all owners of individually identified places and owners of properties included in proposed heritage precincts. This process attracted 30 requests for meetings and these took place over four days at Terang, Noorat, Cobden, Skipton and Derrinallum. Participants took the opportunity to discuss the study process and a possible future planning scheme amendment as well as providing the consultants with additional information and correcting elements of the circulated citations. The process also attracted a number of e-mail and telephone responses, which were responded to by the strategic planner or the consultants as required.*

In the Panel's experience, residents' perceptions of the adequacy of consultation are often related to their willingness to engage in the process. While participation is voluntary, neither Council nor the consultants can be held responsible when residents are reluctant to take up the opportunities for genuine consultation that are offered to them.

In regard to membership of the consultative committee, this was a matter decided by Council early in the process and is not a matter on which the Panel can comment.

In the Panel's view, this was a comprehensive consultation process and is typical of the staged processes usually undertaken in heritage studies.

## **5.10 Port Campbell Headland**

### **(i) Submission**

Submission 6 on behalf of the Port Campbell Community Group requested 'a change to the Amendment under s.26 of the Planning and Environment Act 1987 to include the public land of the Port Campbell Headland and Port in the Heritage Overlay'. The submission points out that the area was included in the Corangamite Heritage Study Stage 2 ('the Study'), and that the Headland has been identified by the National Trust as having State significance.

The submitter made a request to be heard but, being unable to attend the Hearing, was given the option of providing a further written submission to the Panel. This later submission was tabled at the Hearing and covered the following topics:

- Details about the role and activities of the Port Campbell Community Group
- Provision of the National Trust listing (L10293) to the consultants
- Lack of broad community representation during the Study
- A range of comments critical of the Study, including:
  - It contains factual and typographical errors
  - It overlooks significant Aboriginal, European cultural heritage and natural heritage on the headland
  - It overlooks geomorphological features and view lines
  - It concentrates too much on the history of the wider Great Ocean Road rather than Corangamite's coastal heritage
  - The map omits significant features such as the Beacon Steps that are listed in the Study, and fails to depict the full extent of the National Park.

The submission draws attention to the relevant State planning policies and suggests Council needs to ‘*develop a long-term approach to protect its heritage assets*’. It also drew attention to the National Trust listing including a Statement of Significance.

Copies of a CD with a PowerPoint presentation that was to have been used at the Hearing were also provided to the Panel. The CD contained images of the Port Campbell headland, historic photographs and copies of historic documents.

## **(ii) Discussion**

### **Request to change the Amendment**

The provision enabling a planning authority to ‘*change an amendment*’ is found in s.23 of the Act:

#### *Decisions about submissions*

- (1) *After considering a submission which requests a change to the amendment, the planning authority must —*
- (a) change the amendment in the manner requested; or*
  - (b) refer the submission to a panel appointed under Part 8; or*
  - (c) abandon the amendment or part of the amendment.*

However, the clause relates to changes responding to a submission to an exhibited amendment, and does not provide for adding new land or planning controls that have not been exhibited.

### **Inclusion of the area in the Study**

Section 3 of Volume 2 of the Study is titled *Cultural Landscapes* and comprises assessments of the following places:

- Hawks Nest Road reserve
- Port Campbell Foreshore and the Great Ocean Road
- Lake Terang
- Power Creek Reserve, Timboon.

As discussed in Chapter 2.3, following completion of the Study, Council resolved not to include the recommendations on Cultural Landscapes as part of the exhibited Amendment, but to refer the Port Campbell Citation to the State Government to be included as part of a wider study currently being undertaken on the landscape significance of the Great Ocean Road coastline. When the study is completed, Council proposes to exhibit all four sites as part of a future amendment.

## **(iii) Conclusion**

The Panel appreciates that the Port Campbell Community Group wishes to protect the landscape heritage of the headland and port area, and agrees that it has the level of significance that warrants protection in the Corangamite Planning Scheme, as demonstrated in the Study.

However, because this area was not included in Amendment C36 as exhibited, the Panel is unable to recommend that either the HO or the SLO be applied at this stage.

Nevertheless, the Panel wishes to expedite the progress of the State Government study, and ensure that the study team has access to the most comprehensive information available. To that end, the Panel considers that the information provided to this Panel should be forwarded by Council to DTPLI.

**(iv) Recommendation**

In view of the above comments, the Panel recommends that:

- 6. Council forward the two submissions and the PowerPoint presentation from the Port Campbell Community Group and the relevant National Trust Listing and Statement of Significance to DTPLI as contributions to the Great Ocean Road landscape significance study.**

### **5.11 Application of tree controls**

Chapter 5.7 above (Impact on perimeter plantings) the Panel made recommendations aimed at reducing the requirement for planning permits to be obtained where perimeter plantings have been identified as 'significant' elements of a site.

However, the Panel has also noted that there are numerous examples where tree controls have been turned on in the HO Schedule but there are either no significant trees identified in the Statement of Significance or a general term such as 'associated gardens' has been used.

Examples where tree controls have been turned on but the Statement of Significance includes no mention of a garden or trees are:

- HO291 Keayang Homestead Complex
- HO289 1 McWilliam Street, Terang
- HO283 Karaweh 30 Burkes Road, Terang.

Examples where tree controls have been turned on but only undefined references to a 'garden' or 'associated garden' or 'garden setting' have been identified in the Statement of Significance include:

- HO298 Wiridgil Homestead Complex
- HO281 Uffington House and garden
- HO261 Lakeside Homestead
- HO236 Puunyart Homestead Complex
- HO227 Pircarra Homestead
- HO217 Chocelyn Homestead Complex
- HO215 Warwarick Homestead Complex.

In the Panel's view, it places an unnecessary and unfair burden on owners when tree controls are turned on and significant trees are not identified. In these circumstances, a permit must be obtained for every tree within the HO, many of which are unlikely to make a significant contribution to the heritage value of the place.

Tree controls should only be applied where there has been an assessment by a horticultural expert, and a list of significant trees or plantings prepared and included in the Statement of Significance. This would provide clear guidance for owners and Council staff on which

elements of the garden require specific protection, and which do not. This information could then be used to exempt the lopping, removal or replacement of non-significant trees in the Incorporated Document.

The Panel considers that Council should review the application of tree controls in the Amendment. Only those places where significant trees or plantings are clearly identified in the Statement of Significance should have tree controls turned on. The proposed Incorporated Plan should then provide an exemption from the requirement for a permit for all trees and plantings not identified as significant.

Those places where only general descriptions such as 'associated gardens' are used should either be the subject of an expert horticultural assessment to identify significant trees and plantings, or have tree controls turned off.

**(i) Recommendation**

**The Panel recommends that:**

- 7. Council review the application of tree controls in the Amendment to ensure that:**
  - a) Only places where significant trees or plantings have been clearly identified in the Statement of Significance have tree controls turned on.**
  - b) Places where only generic terms such as 'garden' or 'associated gardens' have been used are not to be subject to tree controls unless a horticultural assessment has been made to identify significant trees and planting and they are clearly identified in the Statement of Significance.**
  - c) The recommended Incorporated Plan is to include an exemption from the requirement for a permit for all trees and plantings not identified as significant in the Statement of Significance.**

## 6 Submissions on heritage precincts

### 6.1 Skipton Township Precinct HO273

#### (i) Nature of precinct

Volume 2 of the Heritage Study describes the precinct as follows:

*The Skipton Township Precinct consists of commercial, residential and civic properties along both sides of Montgomery Street, early buildings along Cleveland Street, buildings along Anderson Street and buildings at the corner of Wright and Anderson Street. The precinct takes in the cross roads forming the town centre as well as the banks of the Emu Creek and Stewart Park. The survival of a large number of early buildings in the town from the late 1850s and 1860s is rare and illustrates the makeup of an early Victorian town.*

*The Skipton Township Precinct is of local historic, aesthetic and social significance to the Shire of Corangamite.*

#### (ii) Submissions

Two submissions were received regarding this precinct:

Submission 1 did not oppose the HO but provided information that the skillion at the rear of the property at 26 Wright Street was built in period 1975-1980 and clad in 'Huebler' stone, not built of bluestone as described in the Citation, and that the chimneys are not original. The submitter also provided additional information relating to other sites in the precinct, including 10 and 27 Anderson Street and the bluestone gutters in Wright Street.

Council's response acknowledged the new information and stated that it will be used to revise the Citation for this precinct. The new information reinforces the assessment of the precinct's heritage significance.

Submission 11 opposed the HO on the basis that the building at 20 Montgomery Street was constructed in the 1950s (i.e. after the identified significant period) and that some of its features are not original. The submitter was also concerned about the requirement for a permit for advertising signs.

Council's response was to accept the submission in relation to heritage significance, and recommend that the site be shown as non-contributory. Council pointed out that there are several suitable locations for advertising signs on the building that would be granted a permit.

#### (iii) Discussion

The Panel endorses Council's recommendation that the Citation be amended to reflect the new information provided in Submission 1. A detailed inspection of the 'stone ruin' at the rear of 10 Anderson Street (in consultation with the local Historical Society) should be undertaken by the Heritage Consultant to establish its original use. The bluestone gutters in Wright Street are already mentioned in the Citation, though not identified as significant.

The Panel notes that Huebler Stone (manufactured cast stone) originated in California in the 1940's. Exclusive licensing rights for its manufacture and distribution in Australia were purchased in the early 1970's.

The Panel endorses Council's recommendation that the shop at 20 Montgomery Street be shown as non-contributory. It is appropriate for any signage to require a permit to ensure that it does not detract from the heritage significance of the precinct.

#### **(iv) Recommendations**

The Panel recommends that:

- 8. The Citation for 26 Wright Street, Skipton, (Skipton Township Precinct HO273) is to be amended to reflect the new information provided by the owner.**
- 9. The information regarding 10 Anderson Street, Skipton, is to be further investigated and the Citation amended if necessary.**
- 10. The site at 24 Montgomery Street, Skipton, is to be shown as non-contributory.**

## **6.2 Thompson Street, Terang Precinct HO222**

### **(i) Nature of precinct**

Volume 2 of the Heritage Study describes the precinct as follows:

*It is a residential precinct consisting of houses constructed in the early twentieth century. Whilst many are modest dwellings (particularly on the western side) and, despite a number of later alterations, all the contributory buildings retain distinctive architectural forms which denote the residential character of Terang.*

*The Terang Thomson Street residential Precinct is of local historic, aesthetic and social significance to the Shire of Corangamite.*

### **(ii) Submissions**

Submission 4 opposes the HO on the grounds that the house 26 Thomson Street is in poor condition and the owner wishes to move it to his farm where it will attract lower municipal rates and charges. The submission does not dispute the house's heritage significance.

The submitter was unable to attend the Hearing but provided photographs indicating structural defects in the interior of the house.

### **(iii) Discussion**

The house was built in the period 1900-1910 and appears to be the only brick house within the precinct. It was clear during the Panel's inspection that it contributes to the significance of the precinct.

The question of removing the house is a matter that is appropriately addressed at the permit stage. The issue of building condition has been discussed in Chapter 5.3 of this report. The Panel notes, however, that moving such a building is likely to be an extremely difficult and expensive exercise.

**(iv) Conclusion**

On the basis of the above comments, the Panel concludes that the property at 26 Thompson Street should be shown as a contributory building within the Thomson Street Precinct, Terang, as exhibited.

**6.3 Lyons Street Precinct, Terang HO288****(i) Nature of precinct**

Volume 2 of the Heritage Study describes the precinct as follows:

*The Terang, Lyons Street Residential Precinct is an area primarily consisting of early twentieth century residences built on either side of Lyons Street and the northern side of Baynes Street with a terminating view to the north of the Terang Railway Station.*

*The Precinct is of local historic, aesthetic and social significance to the Shire of Corangamite.*

**(ii) Submission**

Submission 10 from the Country Fire Authority (CFA) related to land owned by VicTrack adjacent to the VHR-listed Terang railway station. The CFA plans to locate a new fire station on the land. The submission requests that the land be excluded from the HO.

Council's response was that the land itself is not within the HO, although it covers the Swanston Street road reservation fronting part of the site. Council recommended that the HO area be reduced to exclude the roadway, which has no heritage significance.

**(iii) Discussion**

The Panel notes that the land is not within the HO, and endorses Council's recommendation to exclude Swanston Street from the HO.

**(iv) Recommendation**

The Panel recommends that:

**11. The boundary of the Lyons Street Precinct, Terang HO288 is to be modified to exclude the Swanston Street road reserve.**

## 6.4 Lismore Early Township Precinct HO246

### (i) Nature of precinct

Volume 2 of the Heritage Study describes the precinct as follows:

*The Lismore Early Township Precinct contains three buildings located at the junction of High Street and Ferrers Street ... The buildings are rare surviving examples of early commercial buildings in Lismore ... The nature of the gathering place is emphasised by the layout of the three buildings around what was likely to be a township common.*

*The Lismore Early Township Precinct is of local historic, aesthetic and social significance to the Shire of Corangamite.*

### (ii) Submission

Submission 18 states that the owners of the Lismore Hotel do not wish to participate in the Amendment or have the hotel covered by the HO. No grounds for the submission were provided.

#### Council response

Council confirmed the heritage significance of the hotel as part of the early township precinct.

### (iii) Discussion

The Panel notes the following assessment of the Lismore Hotel in the Volume 2 of the Heritage Study:

*The Lismore Hotel is historically, aesthetically and socially significant for its operation as the local hotel in Lismore since 1911. The building is substantially intact from its construction and also retains the weatherboard Hotel residence to the rear. The building is important as a rare surviving commercial building indicating the early location and appearance of the Lismore township centre.*

The Panel has inspected this precinct, including the subject site. The buildings comprise the former Post Office and attached residence (c.1880), the former bakery and attached residence (c.1911) and the hotel (c.1911). The Citation states that the broad common area around which these buildings are placed is likely to have been a town gathering place. The physical and functional relationships between these buildings provide clear and speaking evidence of the early development of Lismore.

The Panel queried the status of the vacant lot at the rear of the hotel, currently used as an informal car park. Council indicated it would support changing the status of this lot to non-contributory.

**(iv) Conclusion**

On the basis of the significance attributed to the hotel in the Citation for this precinct, the Panel's own assessment at inspection and the absence of any challenge to its heritage significance from the submitter, the Panel concludes that the site is contributory to the heritage significance of the Lismore Early Township Precinct.

The Panel has considered the status of the vacant lot at the rear of the hotel. The lot is included in a Township Zone, as is most of the Lismore township. The Panel does not believe there is any purpose in retaining this lot in the HO, given its location and the unlikelihood of any future development of this site having a negative impact on the heritage significance of the precinct.

**(v) Recommendation**

The Panel recommends that:

- 12. The Citation and Planning Scheme map for the Lismore Early Township Precinct HO246 is to be amended to exclude the vacant lot at the rear of the hotel on the corner of Ferrers and Williams Streets.**

**6.5 Precincts not subject to submissions**

No submissions were received in respect of the remaining six precincts. Nevertheless, the Panel has inspected these precincts and is satisfied that they meet the criteria for heritage for heritage significance and that the precinct boundaries are appropriately defined.

In the absence of any new information emerging as part of the Amendment process, the Panel accepts that the Citations and Statements of Significance are well-researched and reasonably accurate.

## 7 Submissions on individual places

### 7.1 41 Baynes Street, Terang HO279

#### (i) Nature of heritage place

Volume 2 of the Heritage Study describes the place as follows:

*41 Baynes Street is historically significant for its role in the evolution and development of health services in Terang and district. Opened around 1907, the building is of historical significance as one of a number of private hospitals that existed in Terang up until the middle of the twentieth century and were a vital part of health care in the district until the opening of the Terang Community Hospital in 1935 (Criteria A & B).*

*41 Baynes Street is aesthetically significant for its distinctive, but modest interpretation of the early twentieth century Edwardian domestic architecture. These characteristics include the complex hipped roof form and the timber decoration of the verandah and gable ends. The building as it stands is but part of the original building used as a private hospital (Criterion F).*

#### (ii) Submissions

##### Submission 2

The owner did not oppose inclusion of the dwelling (the former private hospital) but opposed the inclusion of the adjoining Lot 1-TP84911 on the basis that it was vacant and on a separate title to the identified building.

##### Council response

The vacant land formerly contained a building used as a ward for the hospital and is now a garden. The site is not part of a precinct and Council did not oppose removal of the vacant land from the HO.

#### (iii) Conclusion

The Panel was satisfied that the building at 41 Baynes Street was of sufficient local significance for inclusion in the HO, and that as the vacant Lot 1 TP84911 did not contribute to that significance it was not necessary to include it.

#### (iv) Recommendation

The Panel recommends that:

- 13. The boundary of HO279 (41 Baynes Street, Terang) be modified to exclude the vacant land identified as Lot 1 TP84911.**

## 7.2 159 Pircarra Lane, Derrinallum HO227

### (i) Nature of heritage place

Volume 2 of the Heritage Study describes the place as follows:

*The Pircarra Homestead is of aesthetic significance as a fine example of the American bungalow stylistic idiom of the 1920s. Its use of a large and dominant roof form, paired, projecting gables, cross-hatched window mullions, mock shingling, pebble clad verandah columns and a separate garage and workshop demonstrate a modern approach to the design and construction of homesteads in this period. This house is typical of the work of Camperdown architect, W P Knights during this period and bears great similarities to his designs for Mt Myrtoon homestead. The garage, which emulates the design of the house, contributes to the aesthetic significance of the homestead (Criteria D & G).*

*Remnants of the formal front garden remain in front of the east elevation of the house with substantial trees in place and remnants of the original orchard exist to the north of the house.*

*At the time of visiting the property in 2012 it was empty and largely abandoned.*

### (ii) Submissions

#### Submission 3

The owners (IAI Australia Pty Ltd) advised that they had purchased the property that included the Pircarra Homestead in 2009 as a part of a broader pastoral landholding, and acknowledged its heritage significance.

At the Hearing the owner submitted that house was in poor repair requiring considerable expenditure to make good: chimneys, fascias, roof tiling, some footings, the cellar (which is flooded), landscaping and other works. The building has been clad in a metal sheet over the original weatherboards. Internal refurbishment is also required. A letter attached to the submission estimated repair work could cost 'anywhere up to \$400k and above' but could not be regarded as a quotation from a registered builder and carries little weight.

The submission was supported by an expert witness report by Nathan McLaren of P J Yttrup and Associates, Engineers. The report listed a number of building defects and 'upgrade works requirements' and was accompanied by photographs. Unfortunately, Mr McLaren was unable to attend the Hearing and there was no opportunity to ask for clarification or cross-examine him on his report.

The owner also submitted that the occupation of the house might provide operational difficulties in managing the broader pastoral property. Potential statutory occupational health and safety issues were mooted. A previous plan to subdivide and sell off the house was not pursued on the grounds that it would not provide a sufficient financial return. However, a potential subdivision plan was described.

#### Council response

Council confirmed its assessment that the building was of sufficient aesthetic significance for inclusion in the Amendment. It submitted that the condition of the building or whether it is habitable does not affect the heritage significance of the place.

### (iii) Discussion

The Panel inspected the property externally and internally.

The Panel accepts the heritage study Citation as a good description of the significance of the house and its associated garage. The buildings have not been the subject of any alteration or extension except of the most minor kind, either externally or internally. It notes the comparison with Mt Myrtoon which is also considered in this Amendment. Here the Panel takes the view that Pircarra is a superior example of W P Knights' work in that the authorship and execution of Pircarra can be wholly ascribed to Knights. Despite the building's condition, it retains a high degree of intactness and integrity. Of particular interest is the garage, which is an early example of a unified design providing specific accommodation for cars close to the house and in matching style.

The Panel also notes that Pircarra is the only heritage place in the Study where Criterion H (*'special association with the life or works of a person or group of persons of importance in our history'*) has been cited in relation to the work of W P Knights.

As discussed in Chapter 5.3 of this report, building condition and cost of repairs are not matters that effect the assessment of heritage significance, but are appropriately addressed at the permit stage. Even if they were matters to be considered at the Amendment stage, the Panel does not fully accept the submission on this building's condition. Although inspection confirmed some years of neglect and aspects of the buildings and grounds requiring repair and/or replacement, the Panel takes the view that the condition of the building was in no way parlous (except for the brick chimney) and could be repaired effectively by a committed owner. The Panel noted that although Mr McLaren's report reflected the general deterioration that would be expected in a building that had been unoccupied and neglected for some years, it did not describe the building as 'unsound', except for the brick chimney.

In relation to the submitters' concerns about possible occupational health and safety impacts should the house be occupied, the Panel notes that this also not an issue affecting heritage significance. However, it notes that there are occupied houses adjacent to agricultural activities throughout Victoria. The Panel also noted the submitter's statement that some historic houses on its properties in the Wagga Wagga district had been leased for residential use. The Panel was not persuaded that the submitters had explored options that may have ameliorated potential difficulties in farm management, better conserved the building and balanced all its statutory duties, including heritage conservation.

The Panel considers that the boundary of the exhibited HO could be reduced to include the identified heritage components while excluding areas and structures that have not been identified as significant. However, access to Pircarra Lane should be retained.

The Panel notes that tree controls have been turned on for this place. The Statement of Significance refers to the 'associated garden' but does not identify the significant elements. This issue is discussed in Chapter 5.11 of this report and recommendations made that:

- tree controls are only to be turned on where significant trees and plantings have been clearly identified in a horticultural assessment

- the recommended Incorporated Document should include an exemption from the requirement for a permit for trees and plantings not identified as significant.

#### **(iv) Conclusion**

The Panel concludes that Pircarra is a fine example of the work of W P Knights. Despite its neglected condition, it exhibits high levels of intactness and integrity, and well meets the criteria for local heritage significance. The property should remain in the HO, but with a reduced HO area, possibly as suggested by the submitter during the Panel's site visit, but retaining access to Pircarra Lane to facilitate potential future subdivision of the site. The revised HO boundary should be the subject of a further site visit by the Heritage Consultant, and be consistent with guidance in the Practice Note, as discussed in Chapter 5.2 of this report.

In relation to the need for planning permits, the Panel has recommended that an Incorporated Document be included in the Amendment to provide permit exemptions for routine farm management works that do not impact on significant features of the place.

Given the quality, intactness and retrievable condition of the interior, the Panel would have endorsed internal controls for Pircarra had they been exhibited.

#### **(v) Recommendation**

The Panel recommends that:

- 14. The boundaries of HO227 (Pircarra Homestead Complex) are to be reviewed by the Heritage Consultant on the basis of a site inspection and consistent the Practice Note guidance for HO boundaries on rural properties, as discussed in Chapter 5.2 of this report. Access to Pircarra Lane is to be retained.**

### **7.3 Mt Myrtoon, Kariah HO240**

#### **(i) Nature of heritage place**

Volume 2 of the Heritage Study describes the place as follows:

*The Mt Myrtoon homestead, including its associated land, fences, garden and outbuildings, as constructed in 1923/24 presumably to designs of Camperdown architect W P Knights ... is of local historic, social and aesthetic significance in the Corangamite Shire.*

*The Mt Myrtoon homestead is of historic and social significance as evidence of the long term and continuing economic and social role of the Thornton family in the district round Camperdown ....*

*The Mt Myrtoon homestead is of aesthetic significance as a fine early twentieth century example of the domestic designs of Camperdown architect W P Knights ...*

*The house is of weatherboard clad construction designed in a bungalow style. It was an extensive house of some 22 rooms built around a rear courtyard.*

The Citation notes that the property was not inspected as part of study. The description relied on material included in a study of W P Knights undertaken by R Tonkin in 1970 and focused solely on the 1923 house.

## **(ii) Submissions**

### Submission 5

In their submission the owners objected to the inclusion of Mt Myrtoon in the HO. The submitter also appeared at the hearing and provided additional written and photographic material. In summary their concerns included:

- Accuracy of information: the owners submitted that 'inaccurate and misleading information' had been offered in support of inclusion in the HO. In particular the owner drew attention to the variations between concept drawings of W P Knights and the homestead as built (and substantially altered in 1970 and 1978, including the demolition of some 11 rooms). It was claimed that the original two rear wings were in fact two houses that had been transported to the side and added to the main structure. Further, identification of outbuildings in the Statement of Significance had not been justified.
- Privacy: the submitters objected to identification of the property in the public realm.
- Impact on farming activities: the submitters suggested that inclusion of a large parcel of land (60ha) in the HO would impact on their capacity to use the land flexibly for farming.
- Utility of house: concern was expressed that the house was likely to become unattractive to the next generation (by virtue of its siting, amenity and layout). The owners noted that: *'At present we live in the third house since the 1871 purchase. Each change has resulted in an improved standard of living and added value to the property ... why does this have to stop at 1924 for our business?'*

### Council response

The Heritage Consultant responded to the submission as follows:

*'It is acknowledged that while not constructed exactly to the original design by W P Knights, the homestead and associated buildings are of sufficient local historical, social and aesthetic significance to warrant inclusion in the Heritage Overlay, for their long association with the Thornton family and as a fine early twentieth century homestead complex.'*

Council's planning officer subsequently visited the site, and at the Hearing proposed a revised HO boundary reducing the area to a small curtilage around the house. The Heritage Consultant did not support the proposed boundary change.

## **(iii) Discussion**

The Panel inspected the property after the Hearing. It noted that the Knights drawing consists of coloured concept sketches of three elevations, showing *'an idea of how the house may appear'*.

The Panel was satisfied that the homestead was not built entirely in accordance with the Knights concept drawings. Differences in all elevations, including significant simplification

and reduction in scale, support the conjecture that while Knights may have provided an initial inspiration for the house, it was subsequently delivered independently (with cost-saving adaptations) by the builder J M Peters.

The significant variations from Knights' design, including the scale of the building, rooflines, gabling and fenestration, reduce the integrity of the house as a work attributed to Knights. In addition, the substantial alterations in 1970 and 1978 (including removal of the south-west wing and other changes at the rear) further reduce its integrity, although the Panel notes that these alterations made only marginal changes to the front and north elevations.

Nonetheless what remains is a handsome building representing the transition from Edwardian architecture to more American architectural influences, and the Panel agrees with the authors of the Heritage Study that *'the front elevation with its asymmetrical pair of projecting gables is of considerable importance and demonstrates the use of the 'bungalow' style ...'*

In relation to the outbuildings, during its inspection the Panel noted a number of typical farm structures and, although one of these appears to have historic characteristics, it has never been the subject of a heritage assessment.

Although the present homestead dates to 1923/24, historical associations between Mt Myrtoon and the Thornton family go back considerably earlier. The Camperdown Chronicle (December 1919) recorded the death of John Thornton as follows:

*'As the years roll on, gradually, but all too surely, the worthy pioneers the early days are passing away. One by one they are being laid to rest in this quiet graveyard or that, and in a little while the last of the men and women who most deserve the name of pioneers will be taking his or her last long rest. But they have played a big part in the building up of Australia and few have proved more worthy to rank among those who should long be remembered for the good work they have done than the late Mr. John Thornton, of Mount Myrtoon, who died at his residence on Monday evening last.'*

The Panel is mindful of the current owners' concerns in respect to farm operations, an issue that was raised by other submitters in similar circumstances. The issue is discussed in Chapter 5.2 of this report, leading to recommendations that offer a realistic balance between conservation of significant heritage elements and everyday farm operations.

The Panel has also considered options for reducing the extent of the HO around the building. It does not support the revised boundary proposed by Council, which bore little relationship to the setting of the house. Guidelines for determining HO boundaries in rural areas are discussed in Chapter 5.2 of this report. In relation to this property, the Panel considers that a reduction in the HO area that focuses on the homestead and its garden setting, and excluding actively farmed land as far as possible, can be achieved.

The Panel understands that the question of the future occupation or sale of the property touches on the special concerns of the current owners. The Panel's discussion of the relevance of economic matters is outlined Chapter 5.1 of this report, but it re-iterates here that the appropriate time to consider matters of this nature is at the time a permit to alter or demolish the building is made.

**(iv) Conclusion**

There is no doubt in the Panel's mind that Mt Myrtoon meets the criteria for social and historic significance on the basis of the role and contribution made by the Thornton family as part of the district's history and development since the 1870s.

A key question for the Panel in assessing whether Mt Myrtoon meets the criteria for aesthetic significance is the extent to which its significance is dependent on the attribution to Knights as the architect. Although some doubt about the extent of Knights' involvement is expressed in the Citation, the Statement of Significance is unequivocal:

*The Mt Myrtoon homestead is of aesthetic significance as a fine early twentieth century example of the domestic designs of Camperdown architect W.P. Knights. This is an advance on his earlier Edwardian arts and crafts-influenced domestic work and shows American architectural influences through the use of a broader large roof form than earlier examples, such as Gnotuk, Puunyart or Milangil. The front elevation with its asymmetrical pair of projecting gables is of considerable importance and demonstrates the use of a 'bungalow' style. The use of timber decoration, both as half timbering, mock shingling and bracketing is a significant feature of the house, and demonstrates a further development of Knights' style.*

The Panel considers that the role of Knights is overstated in the Statement of Significance, which should properly recognise the variation of the homestead from the Knights sketches, the lack of evidence of his involvement in its redesign or construction, and the later alterations. Nevertheless, even with Knights placed in a properly removed relationship to the existing building, it is clear to the Panel that it has aesthetic significance in its own right and meets the criteria for heritage significance.

The Panel was not presented with any evidence that the outbuildings to the north of the Mt Myrtoon homestead contribute to the significance of the place, and concludes that they should be excluded from the HO.

In the absence of any documentary or other evidence, in the course of its inspection the Panel was unable to reach a conclusion on the owners' claim that the rear wings of the original building were made up of two houses transported to the site. Nevertheless, proof of the claim would not reduce the significance of the house to the point where it did not merit heritage protection.

In relation to the need for planning permits, the Panel has recommended that an Incorporated Document be included in the Amendment to provide permit exemptions for routine farm management works that do not impact on significant features of the place.

The Panel also considers, on the basis of its site visit, that the exhibited HO boundary should be reduced to focus on the identified significant elements and exclude areas used for active farming as far as possible. The revised HO boundary should be the subject of a further site visit by the Heritage Consultant, and be consistent with the guidance in the Practice Note, as discussed in Chapter 5.2 of this report. The revised boundary proposed by Council should not be adopted.

**(v) Recommendations**

The Panel recommends that:

- 15. The boundaries of HO240 (Mt Myrtoon) are to be reviewed by the Heritage Consultant on the basis of a site inspection and consistent with the Practice Note guidance for HO boundaries on rural properties, as discussed in Chapter 5.2 of this report.**
- 16. The Citation and Statement of Significance for HO240 are to be revised to include new and corrected information in respect to the authorship of W P Knights and other matters identified by the submitters.**

**7.4 Pomorneit Recreation Reserve HO263****(i) Nature of heritage place**

Volume 2 of the Heritage Study describes the place as follows:

*The Pomorneit Recreation Reserve is of local historic, aesthetic and social significance to the Shire of Corangamite.*

*The Reserve is of historical significance for its role in the community and recreational development of the Pomorneit district community from 1934. Local residents of Pomorneit were instrumental in establishing the Reserve and since that time it has been the focus for sporting activities for the Pomorneit district (Criterion A).*

*The Pomorneit Recreation Reserve is of aesthetic significance for its demonstration of the principle characteristics of a rural community sports ground established in the 1930s. These characteristics include the oval suitable for a number of different sports with simple fencing, picket fence and gates in front of the pavilion and war memorials that have been moved to the site (Criterion D).*

*The Pomorneit Recreation Reserve is of social significance as a community and recreation focus for the Pomorneit district from 1933 until the present day (Criterion G).*

**(ii) Submissions****Submission 7**

While the submission expressed general support for the Shire in its approach to identifying and conserving heritage places, the Pomorneit Recreation Reserve Committee of Management made submissions in respect to a number of issues of detail:

- Harlock Family Memorial: the Committee plans to move the Memorial to another 'prominent area within the reserve'.
- Picket Fence: the current fence is a 2010 replacement of the original.
- Sponsorship signage: there is concern that the HO may require removal of signage or increase costs through the need for permits.

**Council response**

Council accepted the additional historical information and indicated that it is unlikely that any proposed sponsorship signage will impact on the significance of the place. Council's

planning officer subsequently visited the site, and at the hearing proposed a revised boundary for the HO reducing it to a small area covering only the memorial gates, plantation plaque, memorial bench and gates to the pavilion and excluding the oval and an area of vacant land to the north-west.

The Heritage Consultant did not support the proposed revised boundary.

### **(iii) Discussion**

The Panel inspected the reserve. It accepts Council's submission that it is a place of historical, aesthetic and social significance.

The Panel took the view that the proposed re-siting of the Harlock Family Memorial would not impact the significance of the reserve, providing it was done in consultation with the Heritage Consultant and remained within the HO area. In passing it noted that the HO does not give Council the right to require removal of signage (or any other works). Council's role is to consider permit applications before it.

The Statement of Significance clearly identifies the significant elements of the site as the *'sports ground, memorial gates, memorial seat, fence and gates in front of the pavilion and the Harlock family memorial'*. The Panel took the view that a simple Incorporated Document listing works not requiring a permit would be appropriate for this place.

The Panel also considered the appropriateness of the boundary of the heritage site. It found that the oval itself should remain in the HO as it has served as the focus of the development and significance of the site. However, the area north-west of the pavilion could be excluded from the HO area.

### **(iv) Conclusion**

The Panel concludes that the Pomborneit Recreation Reserve meets the criteria for heritage significance and should be included in the HO, but with a reduced boundary that excludes the land north-east of the pavilion.

The Panel also concludes that an Incorporated Plan, identifying works that do not require a permit, would support the role of the Committee of Management.

Minor errors in the Statement of Significance should be corrected (e.g. removal of reference to the fence in front of the pavilion as a significant element).

### **(v) Recommendations**

The Panel recommends that:

- 17. The exhibited boundary of the Pomborneit Recreation Reserve HO263 is to be reduced to exclude the vacant land north-west of the pavilion.**
- 18. Council is to prepare an Incorporated Document for HO263 to identify works which do not require a permit.**
- 19. The Statement of Significance is to be amended to remove reference to the fence in front of the pavilion.**

## 7.5 Chocolyn Homestead, Camperdown HO217

### (i) Nature of heritage place

Volume 2 of the Heritage Study describes the place as follows:

*Chocolyn Homestead Complex is of local historic and aesthetic significance to the Corangamite Shire.*

*Chocolyn Homestead Complex is historically significant as the homestead portion of a substantial pastoral run settled in the 1840s by William Adeney. The homestead, constructed in the 1870s is of historical significance for demonstrating the ownership of the property by Silas Harding and his nephew, Silas George Tangye. By 1894 the property was in the ownership of the Howell brothers and in 1909 the trustees for Howell Bros. subdivided the Estate. The property became well known in late 19th century as a successful shorthorn stud. Subdivision of the original Chocolyn Estate also formed a number of farm properties in the Camperdown area (Criteria A, B & H).*

*Chocolyn is of aesthetic significance for the impressive bluestone Victorian Gothic style homestead on the property. Constructed in the 1870s the homestead is substantially intact from its early construction and demonstrates key characteristics of the Victorian Gothic style. Key features of the homestead include the steeply pitched gable roofs, timber filigree gable end bargeboards, divided sash windows and rendered chimneys with plinth and cornice. The garden walls and garden setting around the Homestead also contributes to the aesthetic significance of the place (Criteria D & E).*

### (ii) Submissions

#### Submission 8

The owners of Chocolyn submitted a number of comments in relation to the proposed inclusion in the HO, including:

- A concern that the property had been evaluated without inspection.
- Inaccurate details in the Citation, including previous kitchen walls identified as ‘garden walls’, construction materials and details of progressive construction phases – some of which are claimed to conflict with the report of architectural historian Allan Willingham in 1967.
- Inclusion of the entire 25 acre lot, noting that the broad acres and garden were of no heritage significance.
- Omission of reference to the stone stables and boundary riders’ hut built ‘in the grange of the original Chocolyn residence’ and probably dating to the 1850’s.
- Concerns in respect to the rigor and professionalism in evaluation, future planning scheme administration and potential financial impact of ‘required’ works.
- Lack of compensation for the loss of a ‘right to alter’.

#### Council response

The Heritage Consultant acknowledged the errors contained in the Citation and will amend it accordingly with other helpful information provided by the owners.

Council’s planning officer subsequently visited the site, and at the Hearing proposed a reduced HO boundary that included the house and part of its immediate gardens.

**(iii) Discussion**

The Panel understands that an inspection of the property by the consultants had been scheduled, but that permission to enter the property was withdrawn by the owners.

The Panel inspected the exterior of the Chocolyn homestead and its garden, but was not specifically shown the stables or boundary riders' hut identified in the submission. The Panel later accessed the relevant section of the Willingham report. The Panel confirmed the historic and aesthetic significance of the property.

The Panel accepted the proposed corrections to the Citation indicated by the submitters. The Panel also took the view that whilst much of the historical value of the place rested in its pioneering pastoral settlement, the entire 25 acre title boundary might not be necessary to conserve the significance of Chocolyn and the land associated with the homestead.

The submission drew attention to the success of the 'collaborative approach' between owners and Government in the United Kingdom in regard to the upkeep and maintenance of listed properties. In the Panel's experience, the heritage system in Victoria works in the same way, both at the policy and administrative levels, where the aim is not to frustrate owners with unreasonable demands but to agree on an acceptable heritage outcome.

The Panel did not accept the proposition that a 'right to alter' exists in the abstract, or that it might entail some form of compensation. The HO is only one example of planning controls that are non-compensable, and widely held to be so at law.

The Panel notes that tree controls have been turned on for this place. The Statement of Significance refers to the 'garden setting' but does not identify the significant elements. This issue is discussed in Chapter 5.11 of this report and recommendations made that:

- tree controls are only to be turned on where significant trees and plantings have been clearly identified in a horticultural assessment
- the recommended Incorporated Document should include an exemption from the requirement for a permit for trees and plantings not identified as significant.

**(iv) Conclusion**

The Panel concludes that Chocolyn Homestead well meets the criteria for local aesthetic and historic significance. The Panel also considers, on the basis of its site visit, that the HO boundary should be reduced to focus on the identified significant elements and exclude areas used for active farming as far as possible. However, the final boundaries should be recommended by the Heritage Consultant on the basis of an inspection of the property, including the stables and boundary riders' hut. The Panel does not support the revised boundary proposed by Council at the hearing.

In relation to the need for planning permits, the Panel has recommended that an Incorporated Document be included in the Amendment to provide permit exemptions for routine farm management works that do not impact on significant features of the place.

**(v) Recommendation**

The Panel recommends that:

- 20. The boundaries of HO217 (Chocolyn Homestead) are to be reviewed by the Heritage Consultant on the basis of a site inspection and consistent with the Practice Note guidance for HO boundaries on rural properties, as discussed in Chapter 5.2 of this report.**
- 21. The Statement of Significance is to be re-drafted to include new and corrected information (including reference to the stables and boundary riders' hut) if their significance is confirmed by the Heritage Consultant on inspection.**

**7.6 Wiridgil Homestead Complex, Weerite HO298****(i) Nature of heritage place**

Volume 2 of the Heritage Study describes the place as follows:

*Wiridgil Homestead Complex, Weerite is of local historic and aesthetic significance to Corangamite Shire... The original form, materials and detailing of the 1890 homestead, 1907 additions, 1890 stables and driveway and setting contribute to the significance of the place.*

*Wiridgil Homestead Complex is of historic significance as evidence of the long term and continuing economic and social role of the Manifold family in the district around Camperdown ...*

*Wiridgil Homestead complex is of aesthetic significance as an excellent intact example of a substantial Victorian bluestone homestead and weatherboard stables designed by Alexander Hamilton ... Key features of the homestead include the complex of hipped roof forms dotted with stone chimneys, the front projecting wing with bay windows and return verandah and the eaves decoration and verandah frieze which are identical to those at Talindert. The additions designed by Guyon Purchas in 1902 contribute to the significance of the homestead. The substantial weatherboard stables are also of aesthetic significance as an intact example of substantial late Victorian stables. The grounds around the homestead and the driveways contribute to the aesthetic significance of the place (Criteria D & E).*

**(ii) Submissions****Submission 9**

Through their original submission and an additional written submission accepted by the Panel in lieu of an appearance, the owners of Wiridgil raised a number of issues. In summary, their concerns included:

- Potential impact on social fabric and in particular issues associated with flexible farming practices, including tree control, fencing, and refuse disposal and so on.
- Inaccuracies, errors and omissions in Study information.
- A proposal for Government funding assistance for maintenance, relief from permit fees, etc.
- HO protection not needed in a situation where the potential for risk or damage is low.

- Council planning controls risk making it unviable to own and live in an historic building.
- The planning and exhibition of the Amendment generally minimized farming representation.
- With recent amendments to the Act, there are social and economic costs to owners that should be taken into account.
- Scheme requirements will provide unfair burdens on owners especially farm owners.
- The Amendment is incompatible with other planning objectives.

The submitter also provided a disk with photographs and a plan showing vegetation within the HO area.

### Council response

Council noted that the issues raised relate to general planning matters rather than heritage significance, and confirmed its assessment of heritage significance and the Study's Citation.

### **(iii) Discussion**

The Panel notes that the submitters did not dispute the heritage significance of the place.

Despite a number of requests to inspect Wiridgil, the Panel was not granted access. The owner was unable to appear at the appointed Hearing time and instead provided a written submission. This meant that the Panel had no opportunity to query or clarify the matters raised.

The Panel accepts that it is highly desirable that the Planning Scheme provisions take account of the special circumstances of owners in using and conserving a heritage place – in this case use as an active agricultural enterprise. As a matter of principle the Panel takes the view that the focus of the HO should be the elements identified as significant (in an appropriate setting) and minimising the intrusion into productive land. This issue is discussed in Chapter 5.2 of this report.

Financial and advisory assistance is available to owners of heritage places in a number of municipalities throughout Victoria. The Panel understands that the Shire of Corangamite provides free specialist heritage assistance to owners of buildings included in the HO. Whilst the Panel generally supports other assistance for owners, it is beyond the scope of this Panel's consideration to make recommendations to Council on this matter.

In regard to the proposition that heritage protection was not a useful way to conserve items of heritage, the Panel observed that many owners are positively assisted by expert guidance regarding the significance of their buildings. It does accept that some owners can be more expert and respectful in the works needed to conserve a building or place, but the legislation is clear and its uniform application across the state is necessary for 'fair and orderly' planning.

The Panel was not persuaded that Council planning controls risk making it unviable to own and live in an historic building. Where there is an apparent conflict between an owner's desires and conservation standards, the planning scheme mechanism provides a structure to balance the community's and individual's interests through the permit process – at that time the owner's special requirements can be taken into account. In this respect the HO provisions are like many others in planning schemes.

The submitter's comments on the lack of farming representation on the consultative committees has been noted and discussed briefly in Chapter 5.8.

In relation to concerns about conflict with other planning objectives, the Panel notes that:

- The HO is silent on the use of land<sup>2</sup> (as are virtually all other overlays) and will have no influence on allowable uses.
- The Panel does not accept that inclusion of a HO in a scheme is in any way inconsistent with the objectives for planning in Victoria, as set out in the Act and repeated in the SPPF Clause 10.02. On the contrary, it is required by Clause 10.04 of the SPPF, which requires integrated decision making in favour of net community development (see Chapter 5.1 of this report).
- The Panel did not accept that the Amendment was incompatible with Clauses 11.05-3 (Rural productivity), 11.05-4 (Regional Planning Strategies and Principles) or 14.01 (Agriculture) of the SPPF, but required a balance with other scheme objectives. The Panel considers that, subject to the modifications recommended in this report, the Amendment achieves an appropriate balance.

As neither Council's Heritage Consultant nor the Panel were given access to the site post-exhibition, it has not been possible for the Panel to consider whether the HO boundary could be reduced, as suggested by the submitter. Although it is often the usual practice to align HO boundaries with title boundaries, in this case the exhibited boundary follows what appears in aerial photos to be the extent of the perimeter planting around the house and the tree-lined driveway and dam, rather than title boundaries. While further reduction of the HO area is likely to be appropriate, it can only be determined through a site visit by a heritage expert, in consultation with the owners. For these reasons the Panel is not in a position to recommend any specific change to the exhibited HO boundaries.

In relation to submitter's comments about inaccuracies in the Study, the Panel notes that no details or alternative wording was provided. Again, the Panel is not in position to recommend changes without the relevant information being provided by the submitters.

The Panel notes that tree controls have been turned on for this place. The Statement of Significance refers to the 'garden' but does not identify the significant elements. This issue is discussed in Chapter 5.11 of this report and recommendations made that:

- tree controls are only to be turned on where significant trees and plantings have been clearly identified in a horticultural assessment
- the recommended Incorporated Document should include an exemption from the requirement for a permit for trees and plantings not identified as significant.

#### **(iv) Conclusion**

Based on the evidence and expert assessment, the Panel is satisfied that Wiridgil meets the criteria for local historic and aesthetic significance. The building's design by Alexander Hamilton and its later resolution by Guyon Purchas, its associations with the Manifold family and the pastoral industry of the Western District, and the context of its outbuildings and grounds combine to indicate a property of high local importance. With Purrumbete (1901

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<sup>2</sup> With the exception of the ability to allow an otherwise prohibited use.

and also by Purchas) and Milangil (see 7.11 below), Wiridgil appears to be a fitting reminder of the contribution of the Manifolds to the prosperity of the Western District and Victoria. As the Australian Dictionary of Biography notes:

*The Manifolds were prepared to give time, money and leadership to district, church and state. Generous, horsey and conservative, they adapted the role and duties of an English country gentleman to Australian conditions, and gave back to the country much of the wealth acquired by their pioneering predecessors.*

It may be appropriate to reduce the boundary of the HO. However, the Panel cannot recommend any change to the exhibited HO without inspection by a heritage expert. The boundaries should be resolved on the basis of inspection by the Heritage Consultant, and be consistent with the Practice Note guidance for HO boundaries on rural properties, as discussed in Chapter 5.2 of this report.

The Panel also considers that the submitters' concerns about economic and social impacts, particularly on farming operations and the need for permits, has been addressed in Chapter 5.2 of this report. The Panel has recommended that an Incorporated Document be included in the Amendment to provide permit exemptions for routine farm management works that do not impact on significant features of the place. This recommendation offers a realistic balance between conservation of significant heritage elements and the economic imperatives of everyday farm operations.

Judging by the aerial and other photographs provided by the submitter, the recommendations on perimeter planting in Chapter 5.7 should also be of assistance.

#### **(v) Recommendation**

The Panel recommends that:

- 22. The boundaries of HO298 (Wiridgil Homestead Complex) are to be reviewed by the Heritage Consultant on the basis of a site inspection and consistent with the Practice Note guidance for HO boundaries on rural properties, as discussed in Chapter 5.2 of this report.**

## **7.7 Puunyart Homestead Complex, Gnotuk HO236**

### **(i) Nature of heritage place**

Volume 2 of the Heritage Study describes the place as follows:

*The Puunyart Homestead Complex is of local historic and aesthetic significance to the Corangamite Shire ... including its associated land, fences, garden and outbuildings (including the stables) ...*

*The complex is of historic significance as part of the development of the large Meningoort Estate (by the McArthur family) (Criteria A & B).*

*The complex is of aesthetic significance as a fine and well maintained Edwardian/Federation Queen Anne complex. The homestead of 1904 was a substantial building for its time and the design that launched W P Knight's practice in Camperdown.*

*The stables buildings and their architectural form are of particular aesthetic importance adding to the Edwardian/Federation form of the complex (Criterion E).*

## **(ii) Submissions**

### **Submission 12**

The submitters did not dispute the heritage significance of the site, but objected to its inclusion in the HO on the basis that:

*It is more important that the farm remains viable in the current farming economic environment than we maintain the house and all sheds and trees ...*

The submitter also objected to the extent of the HO and the potential inclusion of the property in an interpretive 'App' on the basis of privacy.

### **Council response**

Council's submission to the Panel included the following comments from the Heritage Consultant:

*A site inspection of this property (access was denied during the study) would be beneficial in order to determine a suitable extent that includes only buildings, trees and land that relates to the identified significance of the property. It is probable that a visit to the property will reduce the proposed extent considerably.*

Council's planning officer subsequently visited the site, and at the Hearing Council proposed a much reduced HO boundary, which was not supported by the Heritage Consultant.

## **(iii) Discussion**

The Panel was given the opportunity to inspect the site after the Hearing. It was clear that the Puunyard Homestead Complex has a high degree of aesthetic and historic significance and merits inclusion in the HO.

During the inspection, the Panel also considered the most appropriate location for the HO boundary. It would be appropriate to reduce the boundaries of the HO to focus on the identified significant elements of the site. The Panel is not satisfied that all of the elements identified in the Statement of Significance have heritage significance, especially the fences and outbuildings (other than the stables, 'electric power house' and former shearer's accommodation). Similarly, the garden to the north has been extended by the current owner and has few, if any, significant plantings, but should be retained within the HO to provide an appropriate setting for the house. A site visit by the Heritage Consultant would be necessary to determine which elements are significant and where the boundary should be drawn to minimise the extent of intrusion into land used for farming activity as far as possible while maintaining the visual and functional link between the significant elements and an appropriate garden setting for the homestead.

The Panel also considers that the submitter's concerns about farm viability and operations and the need for permits has been addressed in Chapter 5.2 of this report, leading to recommendations that offer a realistic balance between conservation of significant heritage elements and everyday farm operations.

The submitter's concern about the impact of the suggested 'App' on privacy has also been addressed in Chapter 5.4 of this report.

The Panel notes that tree controls have been turned on for this place. The Statement of Significance refers to the 'garden' but does not identify the significant elements. This issue is discussed in Chapter 5.11 of this report and recommendations made that:

- tree controls are only to be turned on where significant trees and plantings have been clearly identified in a horticultural assessment
- the recommended Incorporated Document should include an exemption from the requirement for a permit for trees and plantings not identified as significant.

#### **(iv) Conclusion**

The Panel concludes that the Puunyart Homestead Complex is of local aesthetic and historic significance. However, it believes the boundaries should be reduced to focus on the significant elements and their relationship to each other, and to exclude as far as possible areas used for farming activity. The boundaries should be resolved on the basis of an inspection by the Heritage Consultant and consistent with the Practice Note and the discussion in Chapter 5.2 of this report. The revised boundary proposed by Council should not be adopted.

In relation to the need for planning permits, the Panel has recommended that an Incorporated Document be included in the Amendment to provide permit exemptions for routine farm management works that do not impact on significant features of the place.

#### **(v) Recommendation**

The Panel recommends that:

- 23. The boundaries of HO236 (Puunyart Homestead Complex) are to be reviewed by the Heritage Consultant on the basis of a site inspection and consistent with the Practice Note guidance for HO boundaries on rural properties, as discussed in Chapter 5.2 of this report.**

## **7.8 Timboon P-12 School HO295**

### **(i) Nature of heritage place**

Volume 2 of the Heritage Study describes the place as follows:

*Timboon High School is of local historic, aesthetic and social significance to Corangamite Shire. The two storey brick school building and the weatherboard building consisting of former rural school buildings contribute to the significance of the place.*

*Timboon High School is historically significant for the pivotal role it has played in education in Timboon and the surrounding rural district. The two storey brick school building, constructed in 1948 and designed by Public Works architect Percy Everett, is of historical significance as the first purpose built consolidated school constructed in Victoria... A number of the small rural school buildings from the closed schools were moved to the larger central school to provide additional accommodation (Criteria A & B).*

*Timboon High School is of aesthetic significance as an unusual and distinctive example of a Consolidated School design by Public Works architect Percy Everett. The two storey brick building is designed in the Streamlined Moderne style with distinctive bands of windows and prominent semi-circular projecting wing ... (Criteria D, E & H).*

*Timboon High School is of social significance as the focus of education in the Timboon district since 1948 ... (Criterion G).*

## **(ii) Submissions**

### **Submission 13**

The submission from the school's Principal supports the inclusion of Percy Everett's 1048 two-storey brick building in the HO, but objects to the relocated group of weatherboard buildings being included on the grounds of poor condition and the need for the school to extend into the area occupied by the group. The submission acknowledges the history and significance of the site and provides further historical information confirming that the weatherboard group was constructed from rural school buildings brought in from the surrounding area at the time of the post-war consolidation of schools at Timboon.

### **Council response**

Council submitted that:

*The derelict state of the weatherboard building does not impact on the identified significance of the place or the ability of this building to contribute to its significance. The information in the submission provides historical information that supports the identified historical and aesthetic significance of this building. The recommendation to include the weatherboard building should remain and any issues with regard to future change or removal of the building should be the subject of a future permit process.*

Council's planning officer subsequently visited the site, and at the Hearing proposed a revised HO boundary that excluded the weatherboard group of buildings. The proposed boundary was not supported by the Heritage Consultant.

## **(iii) Discussion**

The Panel inspected the school. It confirmed the aesthetic and historical significance of the two-storey Percy Everett building and turned its attention to the group of weatherboard former school buildings imported onto the site. The Panel was not persuaded that their somewhat run-down condition significantly reduced their integrity. It also took the view that their importation to the site contributed to the historic value of the place as an agglomeration of buildings representing various phases of school policy and design over many decades. The Panel therefore generally supported the Heritage Consultant's view that the weatherboard buildings should also be subject to the Heritage Overlay.

## **(iv) Conclusion**

The Panel concludes that HO295 (Timboon P-12 School) is of local aesthetic, social and historic significance to the local area.

The two-storey brick building is clearly of primary importance, and the Panel considers that the Statement of Significance should include Criterion H in respect of the works of Percy Everett. The Panel notes that the Percy Everett building has been nominated for inclusion in the Victorian Heritage Register. Should State registration of this building occur after the present Amendment is approved, there may need to be some future changes made to the Planning Scheme schedule and mapping to accommodate this.

In the interim, the Panel considers that the HO should apply to both the Percy Everett building and the weatherboard group which provide evidence of the school's early evolution.

An alternative approach might be to retain only one of the weatherboard buildings on the basis that it would adequately (but not ideally) represent that early period of the school's development and the historic trend to post-war school consolidation. In the Panel's view, the building on the north side of the group may be the most suitable of the group for retention. If necessary, the building could be moved to a different location within a reduced HO area where it would remain a visible element of the school's historical and aesthetic significance but not obstruct further development of the school site. Such a move would not be inconsistent with, and indeed continue, the building's past history of relocation to meet emerging needs. If the building were moved, the area where the group now stands could be excluded from the HO area, as recommended by Council.

The Panel recognises that this latter arrangement is not an ideal solution, but a pragmatic one that retains a significant physical element representative of the school's evolution, while facilitating further development of the school to meet current and future educational needs.

#### **(v) Recommendations**

The Panel recommends that:

- 24. HO295 (Timboon P-12 School) is to be approved with the exhibited HO boundary unless the building on the north side of the weatherboard group is agreed to be retained and relocated within a reduced HO area with boundaries as proposed by Council at the Hearing.**
- 25. The Statement of Significance is to be revised to include Criterion H in respect of Percy Everett's design of the main building.**

### **7.9 Former St Bridget's Church, South Purrumbete HO277**

#### **(i) Nature of heritage place**

Volume 2 of the Heritage Study describes the place as follows:

*The former St. Brigid's Catholic Church is of local historic, aesthetic and social significance to Corangamite Shire. The form, materials and details of the original 1935 church, cypress border plantings and timber post and rail fence are integral to the significance of the place.*

*The former St. Brigid's Catholic Church is historically significant for its role in the development of the South Purrumbete community. Opened in 1935, the building*

*replaced an earlier Catholic Church building in the district, which could no longer accommodate the rapidly growing Catholic congregation ... (Criteria A, B & H).*

*The former St. Brigid's Catholic Church is aesthetically significant as an unusually large timber rural church constructed in the Inter-War Bungalow style. The building is remarkably intact from its original construction ... (Criteria D & E).*

*The former St. Brigid's Catholic Church is of social significance as the religious focus for the South Purrumbete Catholic Community from 1935 (Criterion G).*

## **(ii) Submissions**

### **Submission 14**

The owner submitted an objection relating to the inclusion of some 30 cypress trees in the HO on the grounds that not enough information has been provided about the practical impact of the HO on the need to lop, remove or replace the trees as they age.

### **Council response**

Council submitted that the issues associated with tree maintenance were matters for the permit stage of the planning process. It proposed that the trees contributed to the significance of the property and should, therefore, remain in the HO. Tree controls have only been applied to the 'boundary plantings' on the property.

The Heritage Consultant suggested that a policy pertaining to issues of health of trees and appropriate replacement would be helpful.

## **(iii) Discussion**

The Panel supports the Statement of Significance for this site and Council's submission that issues of tree maintenance and replacement are properly dealt with at the permit stage.

However, this is not the only submission querying the management issues arising from application of the HO with tree controls on ageing cypress or pine perimeter plantings, which are a significant feature in the Corangamite Shire landscape. The issue is discussed in Chapter 5.7 of this report, including a recommendation concerning simplification of permit requirements for perimeter plantings.

## **(iv) Conclusion**

The Panel concludes that the former St Brigid's Church meets the criteria for local aesthetic and historic significance. The perimeter planting of cypress trees is an important element of the significance of the site.

## **7.10 Uffington House and Garden, Terang HO281**

### **(i) Nature of heritage place**

Volume 2 of the Heritage Study describes the place as follows:

*Uffington is of historic and architectural significance to the Corangamite Shire ... (including) its associated landscaping to the extent of the homestead block. Later farm buildings are not considered significant.*

*Uffington is of historic significance as an early homestead built by pioneer Thomas Richardson for his own use in 1857. He died there in 1858 ... (Criterion A).*

*Uffington is of aesthetic significance as an unusual domestic Gothic design in the Shire. The house is a relatively simple construction using coursed basalt, and featuring simple gothic bargeboards and retaining twelve paned windows (Criterion D).*

## **(ii) Submissions**

### **Submission 15**

The owner submitted that the extent of designation proposed for Uffington House included non-heritage elements which did not contribute to the place's significance.

### **Council response**

The Heritage Consultant made the following comment on the submission:

*The request by the submitter to reduce the extent of the proposed overlay appears reasonable and can be accommodated without impact on the identified significance of the place. It is agreed that a reduced extent (cutting back the area behind the house) could still cover the identified contributory elements of the property being the House and garden.*

Council's planning officer subsequently visited the site, and at the Hearing submitted a proposed reduction of the HO boundary for this site.

## **(iii) Discussion**

The Panel inspected the property. It concurred with both the owner's and the Heritage Consultant's submissions, but does not support the revised boundary proposed by Council, which limits the HO to the immediate curtilage of the house and deprives the building and significant Norfolk Pine of an adequate setting.

The Panel notes that tree controls have been turned on for this place. The Statement of Significance refers to the 'associated landscaping' but does not identify the significant elements. This issue is discussed in Chapter 5.11 of this report and recommendations made that:

- tree controls are only to be turned on where significant trees and plantings have been clearly identified in a horticultural assessment
- the recommended Incorporated Document should include an exemption from the requirement for a permit for trees and plantings not identified as significant.

## **(iv) Conclusion**

The Panel confirmed the aesthetic and historic significance of the building and Norfolk Pine. It concluded that the HO would include the land bounded by Bend Road to the north, the fence line adjacent to the house on the west, the fence line south of the house (which would exclude the sheds from the HO) and the fence line to the east of the house to include part of the garden area and some remnant orchard trees within the HO.

**(v) Recommendation**

The Panel recommends that:

- 26. The boundary of HO281 (Uffington House and Garden) is to be amended to include the land bounded by Bend Road to the north, the fence line adjacent to the house on the west, the fence line south of the house (which would exclude the sheds from the HO) and the fence line to the east of the house to include part of the garden area and some remnant trees within the HO.**

**7.11 Gnotuk House, Gnotuk HO237****(i) Nature of heritage place**

Volume 2 of the Heritage Study describes the place as follows:

*Gnotuk House at 34 Gnotuk Lane, Gnotuk with its associated land, fences, garden and outbuildings was constructed in 1864 and significantly altered in 1908 to a design of local architect W P Knights. Gnotuk House is of local historic and aesthetic significance in the Corangamite Shire.*

**(ii) Submission****Submission 16**

The submission was supportive of the Amendment and recognised the heritage value of the property. It suggested that the garden could have been more closely assessed, as it contains 'a number of rare and venerable trees from the mid-1860s'. The submitters intend to approach the Garden Historical Society for a more detailed horticultural assessment.

The submission also provided information about previous names of the property and requested that the name be altered to 'Gnotuk'.

**Council response**

The Heritage Consultant proposed that the Citation could be amended to reflect the information on names.

Council acknowledged the additional detail but did not propose any change to the Amendment.

**(iii) Conclusion**

The Panel supports the inclusion of the information on previous names in the Citation and the change in the property name change as requested. The name should also be changed in the HO schedule.

The Panel commends the owners' appreciation of their heritage property and their interest in having the garden properly assessed and documented. It would have been helpful for the Study Brief to have required the assessment of significant gardens by a horticultural expert.

The Panel notes that tree controls have been turned on for this place. The Statement of Significance refers to the 'garden' but does not identify the significant elements. This issue is discussed in Chapter 5.11 of this report and recommendations made that:

- tree controls are only to be turned on where significant trees and plantings have been clearly identified in a horticultural assessment
- the recommended Incorporated Document should include an exemption from the requirement for a permit for trees and plantings not identified as significant.

There are other historic gardens identified in the Heritage Study that would also have benefited from this approach.

#### (iv) Recommendation

The Panel recommends that:

**27. The HO schedule is to be modified to identify HO237 as ‘Gnotuk’.**

**28. The Citation for HO237 is to be updated to include the new information on previous names and to identify the property name as ‘Gnotuk’.**

### 7.12 Milangil Homestead Complex, Kariah HO241

#### (i) Nature of heritage place

Volume 2 of the Heritage Study describes the place as follows:

*The Milangil Homestead Complex is of local historic and aesthetic significance to the Corangamite Shire.*

*The Milangil Homestead Complex is of historic significance as evidence of the long term and continuing economic and social role of the Manifold family in the district around Camperdown ... (Criteria A and H).*

*The Milangil homestead complex is of aesthetic significance as a fine early twentieth century example of the domestic designs of Camperdown architect W P Knights. This is an advance on his earlier Edwardian arts and crafts influenced domestic work and shows English influences through the use of simple rough stucco chimneys and a broader large roof form than earlier examples ... The woolshed is a substantial building demonstrating similar stylistic influences. Its large and dominant roof and full length lantern are key features contributing to its aesthetic significance (Criteria D & E).*

#### (ii) Submissions

##### Submission 17

The submitter acknowledged the heritage significance of the place, but raised a number of issues relating to its inclusion in the HO, including:

- Correcting the address from 285 to 110 Milangil Road in the Citation.
- Providing the information that the stables had been demolished; the dwelling at 180 Milangil Road had been moved to the site from another property in the 1950s or 60s; the woolshed had been constructed in about 1913, and possibly transported from Koort Koort Nong.
- Correcting the description of the house as featuring ‘rough cast stucco’ rather than ‘cement rendered brick’.
- Expressing concern about the amount of land and later buildings included in the HO.

At the inspection the submitter indicated his opinion that parts of the interior (to the extent of the panelled arts and crafts 'hall', its adjoining smoking room and the Prenzel staircase) were of significance and should properly be considered for inclusion in the Citation and HO schedule.

### Council response

Council's expert commented:

*The submission provides some helpful information that clarifies the history and description of the place. This information does not alter the identified significance of the place but provides clarity with regard to the contributory elements, which can be revised in the citation. It may be beneficial to have further access to this property to clarify the contributory components and a more specific extent of land to be included as part of the Overlay listing*

Council's planning officer subsequently visited the site, and at the Hearing proposed a reduced HO boundary excluding land and farm structures to the east and west, and including an area containing the dwelling, driveway, woolshed and the cottage on the southern boundary.

### **(iii) Discussion**

The Panel inspected the property externally and internally. The graceful Milangil homestead clearly has both historic and aesthetic significance. The Panel also concurred with the owner that the rare Prenzel staircase and splendid arts and crafts living and smoking rooms are significant elements of the place, requiring identification and protection through internal controls.

It is not clear which building is referred to in the Statement of Significance as 'the cottage' – it could be the early dwelling now used as feed store to the west of the homestead, or the dwelling on the south boundary of the site at 180 Milangil Road. After inspecting the dwelling at 180 Milangil Road, the Panel accepts the submitter's advice that the building was imported to the site at some later stage and was not part of the original complex. The Panel accepts that the current feed store has some significance as an early structure on Milangil predating the homestead, although there was no evidence that it is the result of the tender for 'construction of a cottage and stables' in 1910. The stables have since been demolished.

The Panel considers that the group of modern machinery and other sheds to the east of the Homestead Complex does not contribute to the significance of Milangil and should be excluded from the HO. However, the woolshed, a very substantial structure constructed at about the same time as the homestead, is significant as part of the establishment of Milangil as a farming property, regardless of whether or not it was imported from another site.

The Panel notes that tree controls are not turned on for this place.

### **(iv) Conclusions**

The Panel concludes that Milangil, like Wiridgil, is an important marker of the contribution of the Manifold family to the region - and of substantial historic importance. The association with W P Knights and the arts and crafts school and the splendid interior further contributes

to its significance for aesthetic reasons. The Panel considers that the Statement of Significance should include Criterion H in respect of the works of W P Knights.

The Panel did not agree with the reduced boundaries proposed by Council at the Hearing, but accepts it would be appropriate to reduce the HO area to focus on the significant elements, their setting and relationship. A site visit by the Heritage Consultant would be necessary to determine where the boundary should be drawn to minimise the extent of intrusion into land used for farming activity as far as possible while maintaining the visual and functional links between the significant elements. The Panel does not consider that the dwelling at 180 Milangil Road is significant and it should not be included in the HO.

The Panel also considers that the submitter's concerns about farm operations and the need for permits has been addressed in Chapter 5.2 of this report, leading to recommendations that offer a realistic balance between conservation of significant heritage elements and everyday farm operations. In relation to the need for planning permits, the Panel has recommended that an Incorporated Document be included in the Amendment to provide permit exemptions for routine farm management works that do not impact on significant features of the place.

#### **(v) Recommendations**

The Panel recommends that:

- 29. The boundaries of HO241 (Milangil Homestead Complex) are to be reviewed by the Heritage Consultant on the basis of a site inspection, consistent with the Panel's conclusions on significant elements and the Practice Note guidance for HO boundaries on rural properties, as discussed in Chapter 5.2 of this report.**
- 30. Internal controls are to be turned on for part of the interior of the Milangil homestead, specifically the Prenzel staircase, arts and crafts living room and smoking room.**
- 31. The Statement of Significance is to be updated to reflect the new information provided by the submitter and to include Criterion H in respect of the works of W P Knights.**

### **7.13 National Trust of Australia (Vic)**

#### **(i) Submissions**

##### Submission 19

The submission from the National Trust of Australia (Victoria) expressed strong support for Amendment C36. The Trust noted its opinion that research and documentation had been undertaken 'to a high standard'. The Trust also supported the effectiveness of the consultation process.

A Trust representative appeared at the Hearing to reinforce its submission and respond to some changes to the Amendment proposed by Council at the Hearing. The Trust drew attention to previous Panel rulings in respect of issues of intactness and consideration of

economic factors, including the Incorporated Document relating to rural properties in the Latrobe Planning Scheme.

The Trust made specific submissions in support of inclusion of the Timboon P-12 School weatherboard group of 'imported' buildings in the HO, and the referral of the Port Campbell Headland to the State Government's wider significant landscape study.

#### Council response

Council noted the Trust's submission and support for the Amendment.

#### **(ii) Discussion**

The Panel noted the Trust's submission and its support for the weatherboard group at Timboon P-12 School. Issues of economic effects, impact on farming and building condition are discussed in Chapter 5.2 of this report.

### **7.14 Unidentified properties**

Submission 20 was very critical of the accuracy of the Study in relation to a few properties that the submitter 'has knowledge of'. The submitter stated that he had a personal interest in the properties '*as an amateur historian and interested in the district history*'. The submission suggested that the Study documents should be withdrawn, and that the money spent on them had been wasted.

The relevant properties were not identified in the submission, and no new information on any properties was submitted.

In response to a question from the Panel, the Heritage Consultant stated that she had visited the Historical Society's museum in the submitter's local area several times, spoken to people on duty there at the time of her visits, and gathered much information from the museum that was subsequently used in the Study.

In the absence of any specific information or evidence from the submitter, or identification of the relevant properties, the Panel is unable to respond to this submission.

### **7.15 Individual properties not subject to submissions**

On the basis of its inspection of some of these properties and its assessment that the heritage Study was rigorous and meets current standards and guidelines, the Panel accepts that the remaining individual properties meet the criteria for heritage significance and should be protected by the HO.

## 8 Conclusions and Recommendations

### 8.1 Overall conclusions

The Panel commends the Corangamite Shire Council for commissioning the Corangamite Heritage Study and implementing its recommendation through Amendment C36. It is a large undertaking for a rural Shire, and a complex administrative process to translate the Study outcomes into the Planning Scheme.

The Heritage Consultants (Samantha Westbrooke and Ray Tonkin) have been rigorous in their methodology and assessments. Any changes to the Citations recommended by the Panel are the result of the useful process of exhibition, the emergence of new information through submissions, testing at a Public Hearing and review by an independent Panel.

In the course of writing a Panel report, there is an opportunity to not only address individual submissions but to reflect on an amendment in a more holistic sense, and identify potential improvements in terms of balancing competing planning objectives and simplifying administration of the scheme.

In the case of Amendment C36, the Panel has recommended the adoption of the following additional mechanisms to address some of the concerns raised by submitters:

- The inclusion of an Incorporated Document exempting a range of routine activities in both rural and residential areas from the need for a planning permit, provided they do not impact on the significant features of a heritage place, is a bonus for both residents and the Council.
- More detailed guidelines for the establishment of HO boundaries for heritage places that are part of an active agricultural enterprise. The Panel has recommended that the Government review the Planning Practice Note *Applying the Heritage Overlay* to provide a clearer definition of the words 'the building and their immediate surrounding' and 'the remainder of the property' that acknowledges the need to keep agricultural land that has no significant features to remain in production free of permit requirements.
- Inclusion of perimeter plantings (such as tree-lined driveways or windrows) in the Incorporated Document to allow exemption from permit requirements for works (i.e. lopping, removal or replacement of trees) where the works are in accordance with an approved Conservation Management Plan.
- Inclusion in the Incorporated Document of an exemption for works to individual trees and plantings that have not been identified as significant.

The Panel considers that these mechanisms will result in a more appropriate balance between heritage and agricultural imperatives and policies and the management of gardens.

The Panel also notes that the identification of properties in heritage precincts as 'contributory' or 'non-contributory' is shown in Volume 2 of the Heritage Study, which is to have the status of a reference document in the Planning Scheme. The Panel notes that other schemes have included the maps showing contributory status in their Heritage Policy. The Panel believes this is a preferable approach, as it gives statutory force to the designations.

The Panel recommends that:

- 32. The maps of the 10 Heritage Precincts designating the 'contributory' or 'non-contributory' status of individual properties within each precinct is to be included as part of the Heritage Policy at 22.05.**

## **8.2 Consolidated recommendations**

For the reasons outlined in this report, the Panel recommends that Corangamite Planning Scheme Amendment C36 be adopted as exhibited, subject to the following recommendations:

- 1. Council prepare an Incorporated Plan for individual heritage places in rural and residential zones, and for places in heritage precincts, which exempts specified works that do not impact on significant features of a heritage place from the requirement for a permit.**
- 2. The Incorporated Plan is to be included as part of Amendment C36.**
- 3. If Council proceeds with any proposal to develop an App to facilitate heritage tourism, it should first seek legal advice as to whether privacy laws would be breached.**
- 4. The recommended Incorporated Plan is to include a provision for significant perimeter plantings, providing permit exemptions for works in accordance with an approved Conservation Management Plan prepared by a qualified arborist to the satisfaction of the responsible authority. The term 'significant perimeter plantings' is to be clearly defined.**
- 5. Volume 2 of the Study (Citations) is to be updated to:**
  - a) Correct errors drawn to Council's attention through the Amendment process**
  - b) Incorporate new information provided by submitters where appropriate**
  - c) Update the maps showing HO boundaries that have been modified through the Amendment process.**
- 6. Council forward the two submissions and the PowerPoint presentation from the Port Campbell Community Group and the relevant National Trust listing and Statement of Significance to DTPLI as contributions to the Great Ocean Road landscape significance study.**
- 7. Council review the application of tree controls in the Amendment to ensure that:**
  - a) Only places where significant trees or plantings have been clearly identified in the Statement of Significance have tree controls turned on.**
  - b) Places where only generic terms such as 'garden' or 'associated gardens' have been used are not to be subject to tree controls unless a horticultural assessment has been made to identify significant trees and planting and they are clearly identified in the Statement of Significance.**
  - c) The recommended Incorporated Plan is to include an exemption from the requirement for a permit for all trees and plantings not identified as significant in the Statement of Significance.**

8. The Citation for 26 Wright Street, Skipton, (Skipton Township Precinct HO273) is to be amended to reflect the new information provided by the owner.
9. The information regarding 10 Anderson Street, Skipton, is to be further investigated and the Citation amended if necessary.
10. The site at 24 Montgomery Street, Skipton, is to be shown as non-contributory.
11. The boundary of the Lyons Street Precinct, Terang HO288 is to be modified to exclude the Swanston Street road reserve.
12. The Citation and Planning Scheme map for the Lismore Early Township Precinct HO246 is to be amended to exclude the vacant lot at the rear of the hotel on the corner of Ferrers and Williams Streets.
13. The boundary of HO279 (41 Baynes Street, Terang) be modified to exclude the vacant land identified as Lot 1 TP84911.
14. The boundaries of HO227 (Pircarra Homestead Complex) are to be reviewed by the Heritage Consultant on the basis of a site inspection and consistent the Practice Note guidance for HO boundaries on rural properties, as discussed in Chapter 5.2 of this report. Access to Pircarra Lane is to be retained.
15. The boundaries of HO240 (Mt Myrtoon) are to be reviewed by the Heritage Consultant on the basis of a site inspection and consistent with the Practice Note guidance for HO boundaries on rural properties, as discussed in Chapter 5.2 of this report.
16. The Citation and Statement of Significance for HO240 are to be revised to include new and corrected information in respect to the authorship of W.P. Knights and other matters identified by the submitters.
17. The exhibited boundary of the Pomborneit Recreation Reserve HO263 is to be reduced to exclude the vacant land north-west of the pavilion.
18. Council is to prepare an Incorporated Document for HO263 to identify works which do not require a permit.
19. The Statement of Significance for HO263 is to be amended to remove reference to the fence in front of the pavilion.
20. The boundaries of HO217 (Chocolyn Homestead) are to be reviewed by the Heritage Consultant on the basis of a site inspection and consistent with the Practice Note guidance for HO boundaries on rural properties, as discussed in Chapter 5.2 of this report.
21. The Statement of Significance for HO217 is to be re-drafted to include new and corrected information (including reference to the stables and boundary riders' hut) if their significance is confirmed by the Heritage Consultant on inspection.
22. The boundaries of HO289 (Wiridgil Homestead Complex) are to be reviewed by the Heritage Consultant on the basis of a site inspection and consistent with the Practice Note guidance for HO boundaries on rural properties, as discussed in Chapter 5.2 of this report.

23. **The boundaries of HO236 (Puunyart Homestead Complex) are to be reviewed by the Heritage Consultant on the basis of a site inspection and consistent with the Practice Note guidance for HO boundaries on rural properties, as discussed in Chapter 5.2 of this report.**
24. **HO295 (Timboon P-12 School) is to be approved with the exhibited HO boundary unless the building on the north side of the weatherboard group is agreed to be retained and relocated within a reduced HO area with boundaries as proposed by Council at the Hearing.**
25. **The Statement of Significance is to be revised to include Criterion H in respect of Percy Everett's design of the main building.**
26. **The boundary of HO281 (Uffington House and Garden) is to be amended to include the land bounded by Bend Road to the north, the fence line adjacent to the house on the west, the fence line south of the house (which would exclude the sheds from the HO) and the fence line to the east of the house to include part of the garden area and some remnant trees within the HO.**
27. **The HO schedule is to be modified to identify HO237 as 'Gnotuk'.**
28. **The Citation for HO237 is to be updated to include the new information on previous names and to identify the property name as 'Gnotuk'.**
29. **The boundaries of HO241 (Milangil Homestead Complex) are to be reviewed by the Heritage Consultant on the basis of a site inspection, consistent with the Panel's conclusions on significant elements and the Practice Note guidance for HO boundaries on rural properties, as discussed in Chapter 5.2 of this report.**
30. **Internal controls are to be turned on for part of the interior of the Milangil homestead (HO241), specifically the Prenzel staircase, arts and crafts living room and smoking room.**
31. **The Statement of Significance for HO241 is to be updated to reflect the new information provided by the submitter and to include Criterion H in respect of the works of W P Knights.**
32. **The maps of the 10 Heritage Precincts designating the 'contributory' or 'non-contributory' status of individual properties within the precincts is to be included as part of the Heritage Policy at Clause 22.05 of the Planning Scheme.**

The Panel makes the following additional recommendation to the Department of Transport, Planning and Local Infrastructure:

33. **DTPLI should review the wording of the Practice Note Applying the Heritage Overlay to more clearly define the guidance on establishing HO boundaries on productive agricultural properties.**

## Appendix A List of submitters

No.	Submitter	Organisation
1	Victoria Lovejoy	
2	Aileen O'Connor	
3	Georgiena Ryan	Westchester Group of Australia on behalf of IAI Australia Pty Ltd
4	Aaron Pomeroy	
5	John and Marie Thornton	
6	Marion Manifold	Port Campbell Community Group Inc.
7	Graeme Murphy	Pomorneit Recreation Reserve Committee of Management
8	Mark Grant and Stephen Nagle	
9	E T and M J Manifold	
10	Brian Robie	Country Fire Authority
11	Georgina Green	
12	Andrew Wilson	
13	Rosalie Moorfield	Timboon P-12 School
14	Tracey Clementson	
15	Anne McSween	
16	Alun and Fiona Morris	
17	David Manifold	
18	Brian Parsons and Evelyn Talbot	
19	Paul Roser	National Trust of Australia (Vic)
20	Nicholas Cole	