

12.8 AMENDMENT C231 TO THE MELTON PLANNING SCHEME - CITY OF MELTON HERITAGE ASSESSMENT PROJECT 2020/21

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PURPOSE OF REPORT

To consider submissions received in response to Amendment C231 to the Melton Planning Scheme during the public exhibition period and to request that the Minister for Planning appoint an Independent Planning Panel to review submissions and the planning scheme amendment.

RECOMMENDATION:

That Council:

1. Request the Minister for Planning establish an independent planning panel to consider unresolved submissions received in response to Amendment C231 in accordance with the *Planning and Environment Act 1987*.
2. Authorise the Chief Executive Officer to negotiate and resolve issues that are raised during the independent planning panel process prior to Amendment C231 being reported back to Council for consideration.

Motion

Crs Turner/Ramsey.

That Council:

1. Request the Minister for Planning establish an independent planning panel to consider unresolved submissions received in response to Amendment C231 in accordance with the *Planning and Environment Act 1987*.
2. Authorise the Chief Executive Officer to negotiate and resolve issues that are raised during the independent planning panel process prior to Amendment C231 being reported back to Council for consideration.

CARRIED

REPORT

1. Executive Summary

Amendment C231 seeks to amend the Melton Planning Scheme to implement the recommendations of the '*City of Melton Heritage Assessment Project 2020/21*' by Lovell-Chen Architects and Heritage Consultants. The Assessment was adopted by Council at the Ordinary Council Meeting on 18 July 2022 and Council resolved to seek authorisation to prepare and exhibit a Planning Scheme Amendment to implement the findings of the assessment.

The '*City of Melton Heritage Assessment Project 2020/21*' assessed 13 places identified in the '*Shire of Melton Heritage Study 2007*'. The Assessment determined that five out of 13 heritage places met the threshold for local significance and recommended they be included in the Schedule to the Heritage Overlay within the *Melton Planning Scheme*.

Amendment C231 to the *Melton Planning Scheme*, proposes to implement the recommendations of the '*City of Melton Heritage Assessment Project 2020/21*' by adding five places to the Schedule to the Heritage Overlay and the associated Heritage Overlay mapping.

Amendment C231 was publicly exhibited from 10 November – 12 December 2022. There were two submissions received in total during the public exhibition period. This followed pre-amendment consultation with each of the property owners.

It is recommended that Council request the Minister for Planning establish an independent planning panel to consider unresolved submissions received in response to Amendment C231 in accordance with the *Planning and Environment Act 1987*.

2. Background/Issues

Local Councils play an important role in preserving local history by carrying out heritage studies and permanently protecting heritage through the Planning Scheme. All planning schemes in Victoria must implement and further the objectives to planning in Victoria. An objective of the *Planning and Environment Act 1987* is to '*conserve and enhance those buildings, areas or other places which are scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value*'.

The City of Melton Heritage Assessment Project 20/21

The City of Melton Heritage Assessment Project 2020/21 (the assessment) was prepared by Lovell-Chen Architects and Heritage Consultants and involved the assessment of 13 places to determine whether they warrant protection and therefore inclusion in the Schedule to the Heritage Overlay (Clause 43.01) within the *Melton Planning Scheme*.

The 13 places assessed were identified in the *Shire of Melton Heritage Study 2007* as 'Conservation Desirable' places for further investigation.

The adopted methodology for the assessment was in accordance with the processes and criteria outlined in the Australia ICOMOS Charter for the Conservation of Places of Cultural Significance, known as the Burra Charter (Australia ICOMOS, 2013). The assessment included:

- Historical research and analysis of the extant fabric in relation to documentary evidence
- Assessment of the significance of each site based on the research and the extant fabric
- Visual site inspections
- Preparation of physical description of each site
- Preparation of citations (statement of significance, history, and description) for those places warranting heritage protection, with reference to the Planning Practice Note 1.

The assessment was consistent with the Planning Policy Framework and Municipal Strategic Statement which is expanded on later in this report.

Of the 13 places assessed, Lovell-Chen Heritage Consultants found that five places met the threshold for local significance and should be protected via inclusion in the Schedule to the Heritage Overlay within the Melton Planning Scheme. This included one precinct listing and one serial listing amongst the citations (refer to Appendix 4 for the citations).

The assessment was adopted by Council at its Ordinary Meeting on 18 July 2022. At this meeting, Council also resolved to seek authorisation to prepare and exhibit a Planning Scheme Amendment to implement the findings of the assessment (refer to Appendix 1 for the previous Council Minutes).

Planning Scheme Amendment C231

Following the Council adoption of the 'City of Melton Heritage Assessment Project 20/21' and resolution to proceed with an amendment to the *Melton Planning Scheme*, Council officers commenced preparation of Amendment C231 to achieve protection of the five heritage places. This is detailed in the Explanatory Report for the amendment at Appendix 2.

The amendment applies to the following properties:

Address	Heritage Place	Proposed HO
1809-1859 Gisborne-Melton Road, Kurunjang	The Oaks Homestead	HO138
Unit 1-6, Unit 8-18, 19-115 Diggers Rest-Coimadai Road, Diggers Rest	Diggers Rest Army Housing Estate	HO139
Minns Road Bridge over Toolern Creek, Kurunjang	Minns Road Timber Bridge	HO140
115-131 Napier Street, 480-580, 726-738, 740-794 & 796-830 Mt Aitken Road, Diggers Rest	Soldier Settlement Housing	HO141
332 Benson Road, Toolern Vale	Hillview House	HO142

The amendment seeks to make the following changes to the *Melton Planning Scheme*:

- Amend the Schedule to Clause 43.01 to include the following heritage places on a permanent basis as follows:
 - 1809-1859 Gisborne-Melton Road, Kurunjang
 - Unit 1-6, Unit 8-18, 19-115 Diggers Rest-Coimadai Road, Diggers Rest
 - Minns Road Bridge over Toolern Creek, Kurunjang
 - 115-131 Napier Street, 480-580, 726-738, 740-794 & 796-830 Mt Aitken Road, Diggers Rest
 - 332 Benson Road, Toolern Vale
- Amend Planning Scheme Maps as follows:
 - 1HO to include HO142
 - 2HO to include HO141 and delete part of HO60
 - 3HO to include HO139
 - 6HO to include HO138 and HO140

Amend the Schedule to Clause 72.04 to incorporate *Diggers Rest Army Housing Estate Heritage Design Guidelines and Permit Exemptions* and the following documents:

- Statement of Significance: 115 -131 Napier Street, 480 - 580, 726 -738, 740 - 794 and 796-830 Mt Aitken Road, Diggers Rest "Mt Aitken Soldier Settlement Housing" June 2022
- Statement of Significance: Unit 1- 6, Unit 8 -18, 19 -115 Diggers Rest-Coimadai Road, Diggers Rest, "Diggers Rest Army Housing Estate" June 2022
- Statement of Significance: 332 Benson Road, Toolern Vale "Hillview" June 2022

- Statement of Significance: 1809 -1859 Gisborne-Melton Road, Kurunjang”, “The Oaks Homestead”, June 2022
- Statement of Significance: Bridge over Toolern Creek, Kurunjang, “Minns Road Timber Bridge”, June 2022

There is an existing Heritage Overlay (HO60) that protects the Mt. Aitken Site and Ruin at 740 - 794 Mt Aitken Road, Diggers Rest. This is a heritage place that includes a semi-ruinous stone building and the archaeological remains of former structures including walls, tracks, and gardens.

HO60 currently applies to the whole property rather than the specific areas which have been identified as having archaeological potential. The Soldier Settlement Housing Serial Listing that is being proposed through this amendment includes the house at 740-794 Mt Aitken Road, Diggers Rest, and an area around the house of 10 metres, in the southern section of the property.

This amendment proposes to delete a portion of HO60 to allow for the soldier settlement house and 10m curtilage to allow the house to be included in HO141. HO60 will be retained across the remainder of the property and there will be two distinct statements of significance which will explain the different values of each Heritage Overlay area. The property will be subject to controls from both HO60 and HO141.

Strategic assessment of Amendment C231

Amendment C231 will help Melton City Council to meet Objective 4(1)(d) of the *Planning and Environment Act 1987* which is ‘to conserve and enhance those buildings, areas, other places which are of scientific, aesthetic, architectural or historic interest, or otherwise of special cultural value’. It is State policy to ensure the conservation of heritage significant places. To do this, places, buildings, and objects must be identified, assessed, and documented as places of natural and cultural heritage significance, as a basis for their inclusion in Victorian planning schemes.

The Amendment is required to protect five heritage places outside the urban growth boundary that meet the threshold for local significance. Including these places in the Schedule to the Heritage Overlay and incorporating the statements of significance will formally recognise the heritage value of the properties, and the impact that potential demolition or proposed development may have upon them, should Council receive any demolition requests or development proposals for the subject properties.

The Amendment will ensure that a planning permit is required for demolition and a range of buildings and works to ensure the heritage significance is protected. Any proposal will then be able to be assessed by Council having regard to the purpose and requirements of the Heritage Overlay at Schedule to Clause 43.01.

The amendment is consistent with the PPF, particularly with Clause 15.03-1S *Heritage Conservation* which seeks to ‘ensure the conservation of places of heritage significance.’ A relevant strategy at this clause is to ‘identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme’ of which Amendment C231 is seeking to achieve.

The amendment is consistent with the Municipal Strategic Statement (MSS). This amendment is consistent with Objective 1 at Clause 21.07.3 (Heritage) to protect, conserve and enhance places of historic, aboriginal, and cultural significance.’

The Amendment is also supported by the *City of Melton Council and Wellbeing Plan 2021-2025*, which commits Council to ‘support the conservation and restoration of heritage places’ (Strategy 2.3.4).

3. Council and Wellbeing Plan Reference and Policy Reference

The Melton City Council 2021-2025 Council and Wellbeing Plan references:

2. A vibrant and healthy natural and built environment

2.3 *A City growing and developing sustainably.*

4. Financial Considerations

The preparation of the 'City of Melton Heritage Assessment Project 2020/21' was \$49,140 ex GST and included Council officer time and resources to prepare.

Council officer time and resources are involved in the preparation, public exhibition, and adoption of an amendment.

Council is required to pay the statutory fees associated with the amendment process including the cost of an independent panel where costs will be incurred for the Panel hearing, Council legal representation and Council's expert witness, Lovell-Chen Consultants.

The costs associated with Planning Scheme Amendments are covered by the recurrent budgets of City Design and Strategy and Legal and Governance.

5. Consultation/Public Submissions

Public Exhibition

Amendment C231 was exhibited from 10 November – 12 December 2022 and involved letters giving notice to affected landowners and occupiers of the affected properties, relevant State government bodies and agencies and prescribed Ministers. The amendment ordinance and documentation were also provided.

Notices we also placed:

- In the local newspaper, the Melton and Moorabool Star Weekly and Brimbank and Northwest Star Weekly.
- In the Government Gazette.
- On the Department of Transport and Planning's website.
- On Council's website.

Submissions

A total of two submissions were received in response to the amendment. The submissions and the submission table including a detailed summary of the submissions, and Council's response can be found at Appendix 3.

Following public exhibition, Council officers contacted submitters who sought clarification on issues and the process going forward.

A summary of the issues raised through the submissions to be considered by a Planning Panel are detailed below:

Diggers Rest Army Housing Estate (Proposed HO139)

- The Diggers Rest Army Housing units don't hold any standalone heritage significance or contribute to the heritage value of the Former Army Radio Station which has an existing HO49 applied.
- The units are in varying levels of disrepair, and over the years a series of alterations and additions have been undertaken which reduces any architectural heritage values or consistency they may have previously had.

- The Design Guidelines for the Diggers Rest Army Housing Precinct which are proposed to be incorporated in the Melton Planning Scheme are not supported and don't take proper consideration of the existing planning controls.

Soldier Settlement Housing (Proposed HO141)

- The Soldier Settlement houses do not intrinsically demonstrate the breakup of pastoral estates into smaller holdings.
- The comparative analysis presented is cursory and does not provide any convincing evidence that the Mt Aitken Estate Soldier Settlement Housing provides a better understanding of soldier settlement schemes compared to other soldier settlement housing in the municipality.
- The houses are generic and lack special or unique aesthetic qualities that distinguish them from many other places of the same era.

Council officers will continue to work through the submissions received with a view to resolving as many submissions as possible prior to the Directions Hearing pre-set for early May 2023 and Planning Panel pre-set for early June 2023.

6. Risk Analysis

Proceeding with an independent planning panel will provide submitters the opportunity to be heard by an independent third party and for Council to present their position on the issues referred to the panel in accordance with the *Planning and Environment Act 1987*.

Should Council choose to abandon the amendment, it would prevent the protection of significant heritage places. Council would not meet its obligations under the *Planning and Environment Act 1987* regarding the conservation and enhancement of heritage places and the objectives and strategies of the Planning Policy Framework and Municipal Strategic Statement within the *Melton Planning Scheme*.

Furthermore, abandoning the amendment would undermine the Council adopted 'Shire of Melton Heritage Study 2007', *City of Melton Heritage Strategy 2017-2021*, 'City of Melton Heritage Assessment Project 2020/21', and the amendment process undertaken to date.

7. Options

Council can resolve to either:

1. Request the Minister for Planning establish an Independent Planning Panel to consider unresolved submissions received in response to Amendment C231 in accordance with the *Planning and Environment Act 1987* and authorise the Chief Executive Officer to negotiate and resolve issues that are raised during the independent planning panel process prior to Amendment C231 being reported back to Council for consideration.
2. Abandon Amendment C231 to the *Melton Planning Scheme*.

LIST OF APPENDICES

1. Appendix 1 - Minutes of Meeting of Council - Monday, 18 July 2022
2. Appendix 2 - Amendment C231 Explanatory Report
3. Appendix 3 - Submissions and Submission Table
4. Appendix 4 - Amendment C231 Statements of Significance (citations)