

Summary of Amendment C316ston – Panel recommendations and officer response

Panel Recommendation	Panel Report Reference	Discussion and Officer recommended changes to Amendment C316ston	Overall Officer Recommendation
General recommendations			
Amendment C316ston be adopted as exhibited subject to several specific recommendations (discussed in more detail below).		<p>The Panel considered all written submissions made in response to the exhibition of the Amendment, as provided in Attachment 1, pages 1-3.</p> <p>With the exception of the matters explored in more detail below, the Panel supported Council's submission to include places in the Heritage Overlay. The Panel's report provides detailed reasoning to support its position.</p>	N/A
<p><i>Heritage Design Guidelines, July 2017</i> should be retained as a reference document in Clause 21.09 (Reference documents) and Clause 22.04 (Heritage policy); and deleted from Clause 72.08 (Background documents). [Recommendation 4 and 5]</p>	Section 10, pages 75-79	<p>These Panel recommendations are inconsistent with Council's submission, Council's heritage expert's evidence and Council's resolution of 14 June 2022.</p> <p>The Panel considered that the proposed change to the definition of 'contributory places' in the Heritage Design Guidelines should only proceed in conjunction with a broader review of the document. It recommended that the <i>Heritage Design Guidelines</i> remain as a reference document in Clauses 21.09 and 22.04-7 of the Planning Scheme.</p> <p>Prior to exhibition, Council officers sought advice from the Department of Environment, Land, Water and Planning and were advised to relocate the <i>Heritage Design Guidelines</i> to Clause 72.08 (Background documents) ahead of Ministerial approval of Amendment C312ston (the Planning Policy Framework translation amendment) which would also make this change.</p> <p><u>Officer recommendation:</u> the exhibited Amendment documents, specifically the <i>Heritage Design Guidelines, July 2017</i> are not to be changed to respond to Panel recommendations 4 and 5.</p>	Reject
Update the definitions for 'significant' 'contributory' and 'ungraded' places at Clause 22.04 (Council's local heritage policy).	Section 10, pages 75-79	The Panel considered that the definitions in Clause 22.04-2 should be modified to ensure they are consistent with the heritage places in the Amendment. The Panel accepted that these matters could be addressed through the finalisation of Amendment C312ston), however acknowledged that it is ' <i>not for the Panel to assume the final content, process or timing</i> ' of C312ston. The Panel considered the	Reject

<p>[Recommendation 6]</p>		<p>changes to the definitions in Clause 22.04 necessary if C316ston were approved prior to C312ston.</p> <p>Council officers do not consider that there would be a ‘vacuum in heritage policy’ at Clause 22.04 if C316ston were to be approved prior to C312ston. The current heritage definitions at Clause 22.04 have been in effect since January 2018 and although improvements could be made to ensure greater clarity, the definitions in their current form provide a sound basis for implementing Council’s local heritage policy.</p> <p>It is unclear if the Minister for Planning would approve changes to Clause 22.04 as this policy is now in a format that is no longer supported (see <i>A Practitioner’s Guide to Victorian Planning Schemes April 2022</i>) and is proposed to be revised and relocated (to Clause 15.03-1L Heritage) through Amendment C312ston.</p> <p>Council officers accept that a full review of Council’s local heritage policy and <i>Heritage Design Guidelines</i> may be beneficial and will seek to raise this for Council consideration after the approval of Amendment C312ston.</p> <p><u>Officer recommendation:</u> the exhibited Amendment documents, specifically Clause 22.04 are not to be changed to respond to Panel recommendation 6.</p>	
<p>Update various Amendment documents to correct minor errors and inconsistencies. [Recommendation 7]</p>	<p>Section 11, pages 80-81</p>	<p>During the Panel Hearing, Council submitted that it had identified a number of minor errors in the exhibited Amendment documentation that should be corrected:</p> <ul style="list-style-type: none"> • Statement of Significance (HO690) to replace Malvern with Glen Iris in relation to 105 – 119 Tooronga Road. • Statement of Significance (HO349) to remove duplicate entries in the gradings table and to list: <ul style="list-style-type: none"> ○ 109 Wattletree Road as significant ○ 2 Willis Street as significant • Statement of Significance for Moorakayne/Stonington Precinct (HO182) to ensure accurate and consistent spelling of Stonington. • Schedule to Clause 72.08 (Background documents) to correct the name of the Malvern Heritage Review to state: <ul style="list-style-type: none"> ○ Malvern Heritage Review, GJM Heritage, June 2021. <p>The Panel considered the changes appropriate and important to ensure the Amendment documentation is accurate.</p>	<p>Accept</p>

		<p><u>Officer recommendation:</u> All Amendment documentation has been updated to address the minor errors and inconsistencies identified. The name of the Malvern Heritage Review has been changed since Panel (<i>Malvern Heritage Review, GJM Heritage, Updated October 2022</i>) to reflect post Planning Panel changes.</p>	
Individual heritage places			
<p>Delete the Heritage Overlay and Statement of Significance from 41 Elizabeth Street, Malvern (HO675) [Recommendation 2a) and 3a)]</p>	<p>Section 9.1, pages 54-56</p>	<p>The Panel's recommendation is consistent with Council's submission, Council's heritage expert's evidence and the Council resolution of 14 June 2022.</p> <p>The Panel agreed that the dwelling at 41 Elizabeth Street has experienced significant change from its original construction, including overpainting the original face brick façade. This has resulted in a loss of heritage fabric to the extent that the property does not meet the threshold for local heritage significance.</p> <p><u>Officer recommendation:</u> Update the Schedule to Clause 43.01 Heritage Overlay and the Schedule to Clause 72.04 Incorporated Documents to remove HO675.</p>	<p>Accept</p>
<p><i>No Panel recommendation regarding 1225 Malvern Road, Malvern</i></p>	<p>Section 9.2, pages 57-60</p>	<p>While no specific Panel recommendation was made regarding 1225 Malvern Road, Malvern, Council officers note that the Panel discussed and concluded that the Heritage Overlay (HO682) should be applied to this property.</p> <p>At the Panel Hearing, Council's representative submitted that 1225 Malvern Road does not reach the threshold for local significance and does not warrant application of the Heritage Overlay because:</p> <ul style="list-style-type: none"> • the house was not originally built in its current location • the house has elements that are not original, including: <ul style="list-style-type: none"> ○ the kitchen, bathroom and laundry, which were rebuilt in the 1980s ○ some weatherboards on the side of the building ○ the glass in the window on the western side of the building (including a pelmet added in the 1960s) ○ an original chimney was removed and replaced with a gas space heater ○ the corrugated iron roof at the front of the house and on the overhang ○ paving and front garden ○ paint colour. <p>The Panel concluded that 1225 Malvern Road, Malvern has sufficient local heritage significance to justify applying the Heritage Overlay (HO682) to the property. Similarly, Council's heritage expert maintained that the dwelling meets the threshold for inclusion in the Heritage Overlay as an individually significant place.</p>	<p>N/A</p>

		<u>Officer recommendation:</u> Update the Schedule to Clause 43.01 Heritage Overlay and the Schedule to Clause 72.04 Incorporated Documents to remove HO682 in line with Council's previous resolution of 14 June 2022.	
Apply the Heritage Overlay to 1298 Malvern Road, Malvern (HO683) and amend the Statement of Significance in accordance with the Panel preferred version. [Recommendation 1b)]	Section 9.3, pages 61-67	<p>The Panel's recommendation is consistent with Council's submission, and Council's heritage expert's evidence.</p> <p>The property owner's advocate objected to the Heritage Overlay being applied to the property, claimed there were a number of errors in the heritage citation and the Statement of Significance, and proposed an alternative version of the Statement of Significance. Council's heritage expert reviewed these proposed changes and an updated Statement of Significance was proposed.</p> <p>The Panel agreed that the Statement of Significance could be improved through some minor modifications to clarify that the garages to the rear and the low garden wall are not original.</p> <p><u>Officer recommendation:</u> Amend the Statement of Significance for 1298 Malvern Road (HO683) in accordance with the Panel preferred version shown at Attachment 3.</p>	Accept
Delete the Heritage Overlay and Statement of Significance from 11-13 Sorrett Avenue, Malvern (HO684) [Recommendation 2b) and 3b)]	Section 9.4, pages 68-70	<p>The Panel's recommendation is consistent with Council's submission, Council's heritage expert's evidence and the Council resolution of 14 June 2022.</p> <p>The Panel agreed that the extent of changes to the units at 11-13 Sorrett Avenue, particularly the recent demolition of the front of Unit 4, has resulted in a loss of heritage fabric to the extent that the units do not meet the threshold for local heritage significance.</p> <p><u>Officer recommendation:</u> Update the Schedule to Clause 43.01 Heritage Overlay and the Schedule to Clause 72.04 Incorporated Documents to remove HO684.</p>	Accept
Heritage precincts			
Amend the Statement of Significance for the Moorakayne/Stonington Precinct (HO182) in accordance with the Panel preferred version. [Recommendation 1a)]	Section 6, pages 35-41	<p>The Panel's recommendation is consistent with Council's submission, Council's heritage expert's evidence and the Council resolution of 14 June 2022.</p> <p>The Panel supported the inclusion of 5 and 7 Robinson Street and 33 Somers Avenue, Malvern in the Moorakayne/Stonington Precinct (HO182) and concluded that they were appropriately categorised as 'contributory' buildings.</p>	Accept

		<p>The Panel also accepted that the dwelling at 10 Wilks Avenue has been heavily altered and should be re-categorised to 'non-contributory'.</p> <p>The Panel agreed that the Statement of Significance should be changed in accordance with the recommendations of Council's heritage expert.</p> <p><u>Officer recommendation:</u> Amend the Statement of Significance for the Moorakyne/Stonington Precinct (HO182) in accordance with the Panel preferred version shown at Attachment 3.</p>	
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