

**PART A SUBMISSION**  
**Banyule City Council as Planning Authority**

Amendment C165bany to the Banyule Planning Scheme

Date of Submission: 27 July 2022  
Panel Hearing: 11 August 2022

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## LIST OF ATTACHMENTS

1. Chronology of Events
2. Summary of Submissions & Response (attachment to 9 May 2022 Council Report)

### Revised Citations (provided separately)

3. Beddison/Swift House, 5 Crown Road, Ivanhoe
4. Lindsay Edward House, 149 Old Eltham Road, Lower Plenty
5. Willis House, 10 Gruyere Crescent, Ivanhoe East

6. Royd, 61-63 Mount Street, Eaglemont
7. Mother of God Church, 56 Wilfred Road, Ivanhoe East
8. Graceburn, 38 Quinn Street, Heidelberg
9. Lobbs' Tearooms (former) and Diamond Valley Learning Centre, 1 Diamond Creek Road, Greensborough
10. Welsh House, 4 Eton Court, Heidelberg
11. Purcell House, 17 Hartlands Road, Ivanhoe East
12. Crittenden House, 30 Longstaff Street, Ivanhoe East
13. St George Peace Memorial Church, 47 Warnccliffe Road, Ivanhoe East
14. English House, 50-52 Philip Street, Lower Plenty
15. Okalyi House, 66 Old Eltham Road, Lower Plenty

## INTRODUCTION

1. Banyule City Council (**Council**) is the Planning Authority for Amendment C165bany (**Amendment**) to the Banyule Planning Scheme (**Scheme**). Council has prepared and is the proponent of the Amendment.
2. This 'Part A' submission is made in accordance with the Panel's Directions dated 28 June 2022 (**Directions**).
3. This submission addresses the following matters in accordance with direction #6 of the Directions:
  - 3.1. background to the Amendment including chronology of events
  - 3.2. strategic context and assessment
  - 3.3. issues identified in submissions
  - 3.4. any suggested changes to the Amendment in response to submissions.
4. In addition to this Part A submission, Council will:
  - 4.1. Provide its Part B submission, to be circulated on 8 August 2022 which will address Council's response to submissions and evidence, and its final position on the Amendment; and
  - 4.2. Call and rely on expert heritage evidence from Mr Anthony Hemingway of RBA Architects and Conservation Consultants.

## Amendment C165bany

5. The Amendment seeks to implement the recommendations of the Banyule Heritage Study 2020 (RBA Architects and Conservation Consultants) by:
  - 5.1. applying the Heritage Overlay (HO) on a permanent basis to 21 individual heritage places,
  - 5.2. introducing the Banyule Heritage Study 2020 as a background document and,
  - 5.3. introducing Statements of Significance as incorporated documents for the 21 heritage places being added to the HO.
6. The Amendment also reduces the extent of the HO for the existing heritage place HO82 'Taruna House' to reflect changes resulting from a recent planning permit.
7. The Amendment will replace the interim HO controls, applied via Amendment C163bany and C16bany.
8. Specifically, the Amendment proposes to:
  - 8.1. Amend the Schedule to Clause 43.01 (Heritage Overlay) to include the following individual heritage places on a permanent basis:

HO Number	Description of place	Address
HO199	<i>Mother of God Catholic Church</i>	56 Wilfred Road, Ivanhoe East
HO200	<i>Green Mount Court (block of 16 flats)</i>	110 Maltravers Road, Eaglemont
HO201	<i>Royd</i>	61-63 Mount Street Eaglemont,
HO202	<i>Lobbs' Tearooms (former) and Diamond Valley Learning Centre</i>	1 Diamond Creek Road, Greensborough
HO203	<i>Stubley's Hay and Grain Store (former)</i>	96-104 Main Street, Greensborough
HO204	<i>Collins House</i>	45 Bronte Street, Heidelberg
HO205	<i>Welsh House</i>	4 Eton Court, Heidelberg
HO206	<i>Graceburn</i>	38 Quinn Street, Heidelberg
HO207	<i>Beddison/Swift House</i>	5 Crown Road, Ivanhoe
HO208	<i>Ivanhoe Scout Hall</i>	8A Wallace Street, Ivanhoe
HO209	<i>Willis House</i>	10 Gruyere Crescent, Ivanhoe East
HO210	<i>Purcell House</i>	17 Hartlands Road, Ivanhoe East
HO211	<i>Yann House</i>	21 Keam Street, Ivanhoe East
HO212	<i>Crittenden House</i>	30 Longstaff Street, Ivanhoe East
HO213	<i>Hilliard House</i>	6 Quandolan Close, Ivanhoe East
HO214	<i>St George Peace Memorial Church</i>	47 Warncliffe Road, Ivanhoe East
HO215	<i>Okalyi House</i>	66 Old Eltham Road, Lower Plenty
HO216	<i>Lindsay Edward House</i>	149 Old Eltham Road, Lower Plenty
HO217	<i>Vera Knox House</i>	46 Panorama Street, Lower Plenty
HO218	<i>English House</i>	50-52 Philip Street, Lower Plenty
HO219	<i>Ugnow House</i>	79 Buena Vista Drive, Montmorency

- 8.2. Amend Planning Scheme Maps 3HO, 7HO, 12HO, 13HO, 15HO, 16HO, 19HO and 20HO to include 21 individual places on the HO on a permanent basis.
- 8.3. Amend the Schedule to Clause 72.04 (Documents Incorporated in this Planning Scheme) to include the Statements of Significance for 21 places on the HO.
- 8.4. Amend the Schedule to Clause 72.08 (Background Documents) to include the 'Banyule Heritage Study 2020'.
- 8.5. Amend the schedule to Clause 43.01 (Heritage Overlay) and Planning Scheme Map HO15 to remove 581 Upper Heidelberg Road, Heidelberg Heights from the curtilage for HO82.

## BACKGROUND TO AMENDMENT

9. A chronology of events forms **Attachment 1** to Council's submission.

## Banyule Heritage Study 2020

10. On 29 October 2018, Council adopted the Banyule Thematic Environmental History<sup>1</sup> providing a framework to assist future heritage studies. The Thematic Environmental History was a preliminary step to the Banyule Heritage Study 2020 (the **Heritage Study**).
11. In February 2020, Council engaged RBA Architects and Conservation Consultants to undertake a municipal-wide heritage study.
12. There are currently 190 places and precincts already protected by the HO in the Banyule Planning Scheme. The aim of the Heritage Study was to identify and assess additional places of heritage significance and provide recommendations for their protection.
13. The Heritage Study was conducted in two stages:
  - 13.1. Stage 1 included community engagement in February and March 2020 seeking nominations from the community for potential heritage places and the initial assessment of 200 potential heritage places to determine a priority list. Places considered in Stage 1 were a combination of community nominated places, places identified by Council and places identified by the heritage consultants.
  - 13.2. Stage 2 involved detailed assessments of 22 individual priority places and was completed in July 2021.
14. The Heritage Study was prepared in accordance with Heritage Victoria guidelines, the Australia ICOMOS Charter for Places of Cultural Heritage Significance (the Burra Charter) and its guidelines. The study comprised of historical research, field work (site visits) and comparative assessment.
15. Of the 22 places assessed at Stage 2, 21 were found to be of local heritage significance and recommended for inclusion on the HO in the Banyule Planning Scheme.
16. In August 2021, the property owners of recommended places were advised that the Heritage Study would be considered at a Council Meeting on 20 September 2021.

## Council Resolution

17. At its ordinary meeting on 20 September 2021, Council resolved:

*That Council:*

1. *Adopts the Banyule Heritage Study 2020, shown in Attachment 1.*
2. *Request the Minister for Planning to authorise Council to prepare and exhibit an amendment under Section 8A and 19 of the Planning and Environment Act 1987 to apply the Heritage Overlay permanently to the 21 places recommended in the Banyule Heritage Study 2020 and modify the mapping for Heritage Overlay HO82.*

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<sup>1</sup> Available on Council's Website - [Banyule Thematic Environmental History](#)

3. *Following receipt of authorisation from the Minister for Planning, exhibit the amendment in accordance with directions issued by the Minister for Planning or his delegate.*
4. *Authorise the Director City Development to make changes to the amendment based on conditions imposed in the authorisation granted by the Minister for Planning and to make minor changes.*
5. *Request the Minister for Planning to prepare an amendment under Section 20(4) of the Planning and Environment Act 1987 to apply an interim Heritage Overlay to places recommended in the Banyule Heritage Study 2020. This recommendation excludes the Mother of God Church at 56 Wilfred Road, Ivanhoe East which is already the subject of Amendment C163.*

18. On 5 October 2021, property owners of places included in the study were advised Council had adopted the Heritage Study and resolved to seek interim and permanent heritage controls.

#### **Amendment C163bany – Interim HO, 56 Wilfred Road, Ivanhoe East**

19. On 7 June 2021, in response to a demolition application for the Mother of God Church at 56 Wilfred Road, Ivanhoe East, Council resolved to request the Minister for Planning to prepare an Amendment to the Banyule Planning Scheme utilising section 20(4) of the *Planning and Environment Act 1987*, to apply an interim heritage overlay to 56 Wilfred Road, Ivanhoe East.
20. On 10 June 2022, Council requested the Minister for Planning apply interim heritage controls to 56 Wilfred Road, Ivanhoe East via Amendment C163bany.
21. Amendment C163bany was gazetted on 11 November 2022, with the interim control due to expire on 1 December 2022.

#### **Amendment C164bany – Interim HO, 20 Properties**

22. In accordance with the Council resolution on 20 September 2021, Council lodged a request to apply interim heritage controls to all affected properties in Amendment C165bany with the exception on the Mother of God Church at 56 Wilfred Road, Ivanhoe East on 19 October 2021.
23. Amendment C164bany was gazetted on 9 April 2022, with the interim controls due to expire on 1 December 2022.

#### **Authorisation and Exhibition**

24. Authorisation to prepare Amendment C165 was requested on 19 October 2021 and received on 1 November 2021.
25. An exemption request was made under section 5 of Ministerial Direction No. 15 to the requirements of section 4(1) by a planning authority to prepare and give notice of an amendment within 40 business days after authorisation. The exemption was requested on 15 November 2021 and approved on 29 November 2021.

26. The exemption was requested to allow exhibition to occur in February 2022 to avoid the December/January Christmas holiday period.
27. The Amendment was formally exhibited under section 19 of the *Planning and Environment Act 1987* for a period of six weeks between 7 February 2022 and 18 March 2022.
28. Notice of the Amendment was:
- 28.1. made available, including all exhibited documents, on Council's and the Department of Environment, Land, Water and Planning's websites
  - 28.2. sent to all affected property owners and occupiers
  - 28.3. sent to prescribed Ministers and public authorities
  - 28.4. published in the Herald Sun and Victorian Government Gazette on 10 February 2022
  - 28.5. sent to relevant interested parties and stakeholders
29. All affected property owners were given the opportunity to discuss the heritage assessment for their property with Council's heritage consultants both prior to, and during, exhibition of Amendment C165bany.
30. The Amendment documentation as exhibited comprised the following documents:
- 30.1. the Explanatory Report;
  - 30.2. the Notice of Preparation of an Amendment;
  - 30.3. the Instruction Sheet;
  - 30.4. proposed clauses and schedules:
    - Schedule to the Heritage Overlay (Clause 43.01);
    - Schedule to Clause 72.04 Documents Incorporated in the Planning Scheme, including the Statement of Significance for the proposed Heritage Overlays as exhibited Incorporated Documents; and
    - Schedule to Clause 72.08 Background Documents, including the Banyule Heritage Study 2020 as a Background Document
  - 30.5. revised maps to reflect the ordinance (3HO, 7HO, 12HO, 13HO, 15HO, 16HO, 19HO and 20HO)

## **Submissions**

31. In response to exhibition, Council received a total of eight submissions.
- 31.1. four were opposed



31.2. three requested changes

31.3. one in general support

### **Consideration of Submissions**

32. At its ordinary meeting on 9 May 2022, Council resolved:

*That Council:*

1. *Considers the submissions received to Amendment C165bany to the Banyule Planning Scheme in accordance with Section 22 of the Planning and Environment Act 1987.*
2. *Notes the summary of submissions received and endorses the planning officer's and heritage consultant's comments/recommendations at Attachment 1 for the purpose of advocacy before a Planning Panel.*
3. *Notes the recommendations regarding tree controls within the heritage overlay and proceeds to Panel on the basis of the recommendations contained within this Council Report.*
4. *Request that the Minister for Planning appoint a Planning Panel to consider submissions to Amendment C165bany in accordance with Section 23 of the Planning and Environment Act 1987.*

33. A detailed summary of, and response to, the submissions received in response to exhibition forms part of the report to Council on 9 May 2022 and is provided at **Attachment 2**.

### **Resolved Submissions**

34. Subsequent to the Council Meeting, Officers have continued working with submitters to resolve issues raised in their submissions. As a result, five of the seven submissions requesting a change or opposed to the Amendment have been resolved and no longer require consideration at Panel.

35. Two submissions were resolved as a result of the Council resolution supporting the changes recommended by Officers in the Council Report of 9 May 2022. These were:

- Submission #3 in relation to 10 Gruyere Crescent, Ivanhoe
- Submission #5 in relation to the Mother of God Church at 56 Wilfred Road, Ivanhoe East.

36. A further three submissions were resolved following site visits to the relevant properties and discussions with the submitters. These were:

- Submission #2 in relation to 149 Old Eltham Road, Lower Plenty
- Submission #4 in relation to 61-63 Mount Street, Eaglemont
- Submission #6 in relation to 46 Panorama Avenue, Lower Plenty

37. Citations for four of the above properties have been amended in response to information received in submissions and additional information provided from site visits and discussions with owners. The changes are outlined at paragraph #77.
38. The property at 46 Panarama Avenue, Lower Plenty is proposed to be withdrawn from the Amendment as further review of the property following the site visit by Council Officers and the heritage consultant concluded it no longer meets the threshold necessary for the HO.

## **STRATEGIC CONTEXT AND ASSESSMENT**

39. The strategic context and assessment of the Amendment is set out in the Explanatory Report exhibited with the Amendment and provided to the Panel. This section provides an overview of the strategic basis of Amendment C165bany.
40. Amendment C165bany is consistent with State and Local planning policy.
41. Section 4 of the *Planning and Environment Act 1987* sets out the objectives of planning in Victoria. Relevant to this Amendment is:

*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;*

42. The Amendment supports this objective by applying permanent heritage controls to conserve places identified with local heritage significance. This ensures the heritage significance of the places will be appropriately considered in future development proposals.

## **Plan Melbourne**

43. The Amendment is consistent with Direction 4.4 of Plan Melbourne 2017-2050 which aims to 'respect Melbourne's heritage as we build for the future'. Direction 4.4 recognises the contribution heritage makes to Melbourne's distinctiveness and liveability and advocates for the protection of Melbourne's heritage places.
44. Policy 4.4.1 'Recognise the value of heritage when managing growth and change', notes that:

*There will need to be continuous identification and review of currently unprotected heritage sites and targeted assessments of heritage sites in areas identified as likely to be subject to substantial change.*

## **Planning Policy Framework**

45. The strategic justification for the Amendment is grounded in the Planning Policy Framework.
46. Clause 15.01-5S *Neighbourhood Character* seeks 'to recognise, support and protect neighbourhood character, cultural identity and a sense of place'.
47. Clause 15.03-1S *Heritage Conservation* seeks 'to ensure the conservation of places of heritage significance'. Relevant strategies identified to achieving this objective include:

- Identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme.
- Provide for the protection of natural heritage sites and man-made resources.
- Provide for the conservation and enhancement of those places that are of aesthetic, archaeological, architectural, cultural, scientific or social significance.
- Encourage appropriate development that respects places with identified heritage values

48. The Amendment implements the objectives and strategies of Clause 15.03 *Heritage* by including properties that contribute to the heritage significance of Banyule on the HO.

### **Local Planning Policy Framework**

49. The Amendment also supports the Local Planning Policy Framework, in particular:

49.1. Clause 21.03 *Cultural Heritage*, which seeks ‘To protect, conserve and enhance places and precincts that contribute to Banyule’s cultural heritage.’ The Amendment supports this objective by implementing the recommendations of the Banyule Heritage Study 2020.

49.2. Clause 22.06 *Cultural Heritage Conservation Policy*. This policy applies to all properties affected by a Heritage Overlay in Banyule. This Amendment will help achieve the Council’s cultural heritage policy objectives and strategies. The policy includes to:

*Recognises the importance of the conservation of heritage places in contributing to environmental, economic and social sustainability.*

### **Council Plan 2021-2025**

50. The Amendment is consistent with the *Banyule Council Plan 2021-2025*, in particular Strategy #6 to strengthen our Well-Built City

*Preserve and enhance Banyule’s valued heritage, local character, and its significant trees<sup>2</sup>.*

51. Specifically, it assists in fulfilling Council’s commitment to:

*Finalise the Banyule Heritage Study and progress a planning scheme amendment to protect properties of heritage value (Action 3.6.2)<sup>3</sup>*

### **Ministerial Directions**

52. The Amendment is consistent with the following relevant Ministerial Directions under sections 7 and 12 of the *Planning and Environment Act 1987*.

<sup>2</sup> Page 33 of Banyule [Council Plan 2021 -2025](#)

<sup>3</sup> Page 65 of Banyule [Council Plan 2021 -2025](#)

- 52.1. **Ministerial Direction on the Form and Content of Planning Schemes.** The proposed ordinance changes have been prepared to meet the relevant requirements of the Ministerial Direction.
- 52.2. **Ministerial Direction 9 - Metropolitan Strategy.** The Amendment is consistent with the outcomes of Plan Melbourne 2017-2050: Metropolitan Planning Strategy as discussed at paragraph #43-44.
- 52.3. **Ministerial Direction 11 – Strategic Assessment of Amendments.** The Explanatory Report prepared for this Amendment complies with this Direction and addresses relevant strategic planning considerations.
- 52.4. **Ministerial Direction 15 – The Planning Scheme Amendment Process.** The Amendment has been processed in accordance with the relevant time frames and requirements, including the granting of exemptions from the Minister where required.

### **Planning Practice Note 1: Applying the Heritage Overlay (August 2018)**

53. Planning Practice Note 1: Applying the Heritage Overlay (**PPN1**) provides guidance about the application of the Heritage Overlay.

54. The PPN1 states the following places should be included in a Heritage Overlay:

*Places identified in a local heritage study, provided the significance of the place can be shown to justify the application of the overlay.*

55. In terms of process, the PPN1 requires that:

*The heritage process leading to the identification of the place needs to clearly justify the significance of the place as a basis for its inclusion in the Heritage Overlay. The documentation for each place shall include a statement of significance that clearly establishes the importance of the place and addresses the heritage criteria.*

56. With regards to internal alteration controls, PPN1 requires that:

*This provision should be applied sparingly and on a selective basis to special interiors of high significance. The statement of significance for the heritage place should explain what is significant about the interior and why it is important.*

57. Council submits that the Amendment and the citations meet the requirements of PPN1, in that:

- 57.1. the recognised criterion has been adopted in the assessment of the heritage values of each place
- 57.2. detailed comparative analysis has been undertaken to substantiate the significance of the places

- 57.3. for each of the heritage places, a statement of significance has been prepared using the three-part format of 'What is significant?'; 'How is it significant?' and 'Why is it significant?'
- 57.4. internal alteration controls have only been selectively applied to internal elements of high significance within a place.

## ISSUES IDENTIFIED IN SUBMISSIONS

58. A detailed summary of the issues identified in submissions received in response to exhibition forms part of the report to Council on 9 May 2022 and is provided at **Attachment 2**.
59. As discussed at paragraph #34-38, five of the seven submissions requesting changes or opposed to the Amendment have been resolved.
60. Two submissions remained unresolved for consideration at Panel:
- 60.1. Submission #1 in relation to 5 Crown Road, Ivanhoe
- 60.2. Submission #7 in relation to 38 Quinn Street, Heidelberg
61. The key issues in Submissions #1 and #7 are summarised below.
- 61.1. Submission #1 – 5 Crown Road, Ivanhoe
- The current external paint colour is not original to the property.
  - A range of internal alterations have been made to the property. These alterations have changed the internal layout, impacting both plaster and timber panelled walls.
  - A range of external alterations have been made to the rear external aspect of the building, including a deck.
  - Tree controls could be excluded from the HO as they are managed under Banyule's existing vegetation controls.
- 61.2. Submission #7 – 38 Quinn Street, Heidelberg
- The property is not within a streetscape or an area that has any cohesive heritage significance. Including the property in a site-specific HO would have limited effect in terms of preserving local heritage character.
  - The dwelling is not of sufficient local heritage significance as to warrant an individual HO control. The citation is out of date and does not consider the current state of the dwelling inclusive of recent alterations and additions made to the building.
  - The dwelling is not associated with any particularly prominent owners, builders or architects and cannot reasonably be considered to be of particular social, architectural or historic significance.
  - There are other comparable examples of Federation style dwellings in Banyule already protected by the HO as well as comparable and/or better examples of this style in nearby Melbourne suburbs that are protected by HO's and located in heritage precincts.

- The HO would create an unreasonable impediment to the on-going enjoyment of the home and the ability to modify it to meet the family's changing needs and aspirations over time.

62. Council's response to these individual submissions is included in the detailed response to submissions at **Attachment 2**.

63. Council will further address the specific issues raised in submissions in detail in Council's Part B submission including with reference to the expert evidence of Mr Hemingway.

## **PROPOSED CHANGES TO THE AMENDMENT IN RESPONSE TO SUBMISSIONS**

### **Changes in response to individual submissions**

64. Council has worked with submitters to resolve issues raised in their submissions. In response to information provided in submissions, discussions with individual submitters and observations at site visits, six individual Statements of Significance/Citations have been reviewed and adjustments made where appropriate. Recommended changes to the Statements of Significance/Citations were noted and endorsed by Council on 9 May 2022, for the purpose of advocacy before a Planning Panel.

65. These changes are summarised in the table at paragraph #78 and copies of the revised citations are provided at **Attachments 3 - 8**.

### **Tree controls**

66. The schedule to the HO allows for tree controls to be applied to heritage properties. The control is designed to protect trees that are of intrinsic significance, or trees that contribute to the significance of a heritage place (for example, trees that contribute to the significance of a garden or area).

67. Tree controls were proposed to be applied to nine properties included in the exhibited Amendment. Upon further review and after considering submissions, the application of tree controls was reconsidered. Although the controls were supportable, they would generally result in a duplication of existing vegetation controls that apply to these properties.

68. To provide for a consistent approach, in addition to removing the tree control from three properties as recommended in the summary and response to submissions considered by Council on 9 May 2022 (**Attachment 2**), it is recommended a further six properties have the tree controls removed from the schedule to the HO;

- 1 Diamond Creek Road, Greensborough
- 4 Eton Court, Heidelberg
- 17 Hartlands Road, Ivanhoe East
- 47 Warncliffe Road, Ivanhoe East
- 30 Longstaff Street, Ivanhoe East
- 66 Old Eltham Road, Lower Plenty

69. The Council Report of 9 May 2022 considered that tree controls could be retained for 66 Old Eltham Road, Lower Plenty due to the associations with notable landscape designer Gordon Ford. However, on further review and in line with PPN1, tree controls are not recommended as it is the bushland character of the garden, rather than individual trees, identified as significant.
70. The citations of the above properties have been amended to remove the tree controls. Copies of the revised citations are provided at **Attachment 9-15**.

### **Listing of internal alteration controls in the schedule**

71. In accordance with PPN1, internal alteration controls over specified buildings can be applied in the schedule by including a 'yes' in the Internal Alteration Controls column.
72. Amendment C165 proposes to apply limited internal alteration controls for eight properties<sup>4</sup>. Clause 43.01s of the exhibited Amendment included the properties with a 'yes' in the Internal Alterations Controls column.
73. In order to limit the planning permit trigger for the internal controls applied by Amendment C165, it is further proposed to list the significant features in the schedule in addition to the 'yes'.
74. This approach is consistent with a number of other Councils, notably Glen Eira and Moonee Valley<sup>5</sup>, to list significant internal elements in the schedule to ensure the control is limited to those elements.
75. For example, HO115 for Glen Eira includes the following in the HO Schedule<sup>6</sup>:

HO115	"Helenslea" 3 Hood Crescent, Caulfield North	No	Yes – limited to front door entrance and internal staircase
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76. To assist with this, clarification regarding the internal controls were made to the citations for the following four properties by clearly identifying the rooms affected by the control:

- 4 Eton Court, Heidelberg
- 17 Hartlands Road, Ivanhoe East
- 66 Old Eltham Road, Lower Plenty
- 50-52 Philip Street, Lower Plenty

### **Minor corrections**

77. A further three changes are proposed to the Amendment to correct typographical and minor errors identified subsequent to exhibition of the Amendment. These are included in the table at paragraph #78.

<sup>4</sup> Initially 10 properties were proposed for limited internal controls, through consideration of information presented in submissions internal controls are proposed to be removed from 2 properties

<sup>5</sup> Refer discussion [Moonee Valley C142 and C143 Panel Report](#) p13.

<sup>6</sup> [Clause 43.01s](#) Glen Eira Planning Scheme

## Summary of Proposed Changes

78. Council pursues Amendment C165bany as altered by the following post-exhibition changes summarised in the table below.

Address	Submission	Change
5 Crown Road, Ivanhoe	#1 - Request changes	Tree controls removed Internal controls removed  Statement of significance/citation amended in response to information provided in the submission, discussions with the owner and observations during a site visit.
149 Old Eltham Road, Lower Plenty	#2 - Resolved	Statement of significance/citation amended in response to information provided in the submission, discussions with the owner and observations during a site visit.
10 Gruyere Crescent, Ivanhoe East	#3 - Resolved	Statement of significance/citation amended in response to information provided in the submission and discussions with the owner.  Laundry block added to outbuildings/fences in schedule to correct an omission.  (The laundry block is identified in the Statement of Significance as significant).
61-63 Mount Street Eaglemont	#4 - Resolved	Tree controls removed  Statement of significance/citation amended in response to information provided in the submission, discussions with the owner and observations during a site visit.
56 Wilfred Road, Ivanhoe East	#5 - Resolved	Tree controls removed  Internal controls removed
46 Panorama Street, Lower Plenty	#6 - Resolved – property withdrawn	Property withdrawn from the Amendment as further review of the property following a site visit by Council Officers and the heritage consultant concluded it no longer meets the threshold necessary for the HO
38 Quinn Street, Heidelberg	#7 - Opposed	Statement of significance/citation amended to reflect recent changes to the property
47 Warncliffe Road, Ivanhoe East	n/a	Tree controls removed
1 Diamond Creek Road, Greensborough	n/a	Tree controls removed  Typo corrected



30 Longstaff Street, Ivanhoe East	n/a	Tree controls removed  Basalt retaining walls added to outbuildings/fences in schedule to correct an omission.  (Basalt retaining walls are identified in the Statement of Significance as significant).
4 Eton Court, Heidelberg	n/a	Tree controls removed  Clarification of room containing significant internal features
66 Old Eltham Road, Lower Plenty	n/a	Tree controls removed  Clarification of room containing significant internal features
17 Hartlands Road, Ivanhoe East	n/a	Tree controls removed  Clarification of room containing significant internal features
50-52 Philip Street, Lower Plenty	n/a	Clarification of room containing significant internal features

79. Full copies of citations that have been amended are provided in a track changes format in **Attachments 3 to 15**.

80. This concludes Council's Part A submission.

## Attachment 1: Chronology of Events

Date	Event/Description
Feb 2020	Council engaged RBA Architects and Conservation Consultants to undertake the Banyule Heritage Study
Feb – March 2020	Community consultation seeking nominations from the community for potential heritage places
April 2020 - July 2021	Stage 1 and Stage 2 of the Banyule Heritage Study 2020 completed
10 June 2021	Council requested the Minister for Planning to prepare Amendment C163 to apply interim HO to Mother of God Church at 56 Wilfred Road Ivanhoe East
20 September 2021	At its ordinary meeting Council resolved to: <ul style="list-style-type: none"> <li>• Adopt the Banyule Heritage Study 2020</li> <li>• Request interim and permanent HO controls for places recommended in the Heritage Study</li> </ul>
19 October 2021	Council requested the Minister for Planning to prepare Amendment C164 to provide interim protection for 20 individual places Council sought authorisation from the Minister for Planning to prepare and exhibit Amendment C165
1 November 2021	Authorisation for C165bany received from DELWP under delegation from the Minister for Planning.
11 November 2021	Amendment C163 to apply interim HO to Mother of God Church at 56 Wilfred Road Ivanhoe East gazetted, controls expire 1 December 2022
15 November 2021	Council sought exemption for C165 from Ministerial Direction No 15, section 4(3) to prepare and give notice of an amendment within 40 business days after authorisation.
29 November 2021	Exemption to Ministerial Direction No 15, section 4(1) was granted for C165
7 February 2022	Public exhibition of Amendment C165 commenced
18 March 2022	Public exhibition period closed – 8 submissions received for C165
9 April 2022	Amendment C164 to apply interim HO to 20 individual places gazetted, controls expire 1 December 2022
9 May 2022	At its ordinary meeting Council considered submissions to C165 and resolved to refer submissions to a Planning Panel,
16 May 2022	Council formally requested a Planning Panel be appointed for C165
22 June 2022	Directions hearing for Amendment C165 held via video conference

**Attachment 2: Summary of Submissions & Response (attachment to 9 May 2022 Council Report)**

## Summary of Submissions Received, Comments and Recommendations for Planning Scheme Amendment C165 – Proposed Heritage Overlay

Submission No.	Issues raised (summarised by Officers)	Consultant or Officer Comments & Recommendations
<p><b>1</b></p> <p>Support if changes made</p>	<p>Submission regarding 5 Crown Road, Ivanhoe</p> <ul style="list-style-type: none"> <li>The current external paint colour is not original</li> <li>A range of internal alterations have been made to the property. These alterations have changed the internal layout, impacting both plaster and timber panelled walls.</li> <li>A range of external alterations have been made to the rear external aspect of the building, including a deck.</li> <li>Suggests tree controls be excluded from the HO and be managed under Banyule's existing vegetation controls.</li> </ul>	<p><i>Heritage Consultant Comments</i></p> <ul style="list-style-type: none"> <li>The paint control is not proposed to facilitate the retention of the existing paint colour but rather promote a sympathetic approach in keeping with the original colour/finish. Recommend retaining paint controls to facilitate a sympathetic approach to the timberwork in keeping with original design.</li> <li>On further review of the extensive recent internal changes, the need for internal controls would be limited to the staircase and associated timber paneling (if it survives) which are not distinctive enough in themselves to warrant controls. Recommend removal of all internal controls.</li> <li>Dependent upon further clarification, the citation Statement of Significance/description can be amended to clarify original/modified fabric at the rear. Description already notes change has occurred at the rear. Nonetheless, extent of heritage overlay is recommended to remain unchanged.</li> <li>Considering existing environmental controls, it may not be necessary for the application of heritage tree controls.</li> </ul> <p><b>Recommendations:</b></p> <ul style="list-style-type: none"> <li><b>Remove internal controls</b></li> <li><b>Remove tree controls</b></li> <li><b>Amend Statement of Significance/Citation to clarify modifications at rear as necessary</b></li> </ul> <p><b>Potential to resolve submission prior to any Panel</b></p>

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<p><b>2</b></p> <p>Opposed</p>	<p>Submission regarding 149 Old Eltham Road, Lower Plenty</p> <ul style="list-style-type: none"> <li>Concerned the HO will restrict future plans to alter the addition to the north-west side of the house in a manner sympathetic to Knox's original design.</li> <li>Notes there have been many alterations to the property since it was originally built, including: <ul style="list-style-type: none"> <li>- Master Bedroom</li> <li>- Floor to ceiling windows in the lounge and kitchen</li> <li>- The north-west side of the property including a study, bedroom, bathroom and lounge, this section is also water damaged and requires repair.</li> <li>- Exterior paint colour</li> </ul> </li> <li>Object to the proposed internal alteration controls over the exposed timber ceiling beams as they are not original.</li> <li>Contend that unsavoury add-ons/alterations made to the original house compromise its heritage potential.</li> <li>Concerned the Heritage review was in process while the property was for sale in 2021.</li> </ul>	<p><i>Heritage Consultant Comments</i></p> <p>No substantial new information/assessment was provided to recommend not seeking a HO.</p> <ul style="list-style-type: none"> <li>The north-west part of the residence has been modified and could be further changed.</li> <li>Internal controls can be further clarified – only the ground-floor exposed timber ceiling beams are noted in the citation (not the upstairs master bedroom as suggested).</li> <li>The paint control is not proposed to facilitate the retention of the existing paint colour but rather promote a sympathetic approach in keeping with the original colour/finish. Recommend that this control is retained.</li> </ul> <p><i>Council Officer Comments</i></p> <ul style="list-style-type: none"> <li>The HO does not prevent change, rather it seeks to appropriately manage change. The intent of the HO is to conserve and enhance heritage places by ensuring any changes have regard to the heritage value of the particular place. New additions or alterations are permissible via a planning permit and are assessed on an individual case by case basis with input from Council's Heritage Advisor.</li> <li>Property owners were notified of the results of the Banyule Heritage Study 2020 on 24 August 2021 once the study had been completed. Owners were not notified while the study was in progress as this avoids creating unnecessary uncertainty for owners of properties that are found to be of little heritage value. Waiting until the assessments have been finalised ensures owners can be clear about the heritage value of their property and the next steps in the process. It is acknowledged change occurs with properties in regard to ownership, future plans etc.</li> </ul>

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		<p>and Heritage Studies that must be done at a point of time can be inconvenient for owners.</p> <p><b>Recommendations:</b></p> <ul style="list-style-type: none"> <li>• <b>Amend Statement of Significance/Citation to further clarify internal elements/controls</b></li> </ul> <p><b>Refer Submission to Panel (for unresolved issues)</b></p>
<p>3</p> <p>Support if changes made</p>	<p>Submission regarding 10 Gruyere Crescent, Ivanhoe East</p> <ul style="list-style-type: none"> <li>• Supportive of preserving the Robin Boyd house.</li> <li>• The citation includes items that are not original to the house and suggest should not be listed in the HO including: <ul style="list-style-type: none"> <li>- Rear garage - not original</li> <li>- Rear skillion - roofed carport - no longer exists</li> <li>- Rear fence - built circa 1980.</li> <li>- Scoria (lava) rocks - were added in the late 1970s.</li> <li>- Front garden - Agapanthus added around 2010.</li> <li>- Front door – has been rebuilt.</li> <li>- Side fences and gate - not original</li> <li>- Rooftop air conditioning units – not mentioned in the citation, however note that these are not original.</li> </ul> </li> <li>• Request clarification that the overlay does not apply to the interior of the property</li> </ul>	<p><i>Heritage Consultant Comments</i></p> <ul style="list-style-type: none"> <li>• With additional information provided, the citation can be amended accordingly to exclude these items as being significant.</li> <li>• Confirm no internal controls proposed.</li> </ul> <p><b>Recommendations:</b></p> <ul style="list-style-type: none"> <li>• <b>Amend Statement of Significance/Citation to exclude items that are not significant</b></li> </ul> <p><b>Potential to resolve submission prior to any Panel</b></p>

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<p>4</p> <p>Opposed</p>	<p>Submission regarding 61-63 Mount Street, Eaglemont</p> <p>The heritage assessment fails to give adequate consideration to the following:</p> <ul style="list-style-type: none"> <li>• The property was substantially renovated in 1999 to an extent that little of the rear footprint remains.</li> <li>• The front door, front steps and verandah are new, the side verandah is an addition. These alterations together have altered the street perspective.</li> <li>• The house structure is not a good example of Queen Anne style</li> <li>• Previous assessments noted there were several other weatherboard properties in the area that were better examples.</li> <li>• No conclusive evidence that the house was designed by its original resident Henry Champion or his architect brother Alfred Champion.</li> <li>• The continued reference and reliance upon its original inhabitants fail to adequately demonstrate any meaningful connection with the community of Banyule.</li> <li>• The areas of Ivanhoe and Eaglemont are markedly different in their architectural style and age by comparison to most of Banyule and should reference adjoining suburbs of similar age and structure that may be outside of Banyule.</li> </ul>	<p><i>Heritage Consultant Comments</i></p> <p>No substantial new information/assessment was provided to recommend not seeking a HO. Given the information provided by the submitter, the citation could be further clarified concerning modifications (which are already discussed).</p> <ul style="list-style-type: none"> <li>• Change to the rear parts of buildings is a reality of most heritage places, especially at the local level. It is widely accepted that this can occur and not impact on significance if they are not visible or largely concealed from the public realm.</li> <li>• It is appreciated that the some of the fabric of the front verandah may have been renewed but matches the original detailing. Whilst it has been extended (forwards and to the side), the character of the verandah has not been altered as it had been unusually long.</li> <li>• The house is a good example of the Queen Anne idiom. It is an early example that is distinguished by its restrained detailing before the style subsequently became more elaborate and codified as it was more widely employed.</li> <li>• The house has been long recognised for its potential heritage value. It was first assessed as being of local significance in the Graeme Butler 'City of Heidelberg Conservation Study' of 1985, along with two adjacent houses of similar period at no. 65-67 (HO131) and no. 69-71 (HO132), both of which gained heritage protection. In Butler's assessment, there was no suggestion the subject site was of any lesser significance than other two aforementioned houses. The house was again assessed in 1999 by Allom Lovell &amp; Assoc. as being of local significance. This assessment was confirmed yet again in 2009 by another heritage consultancy, Context P/L.</li> </ul>

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	<ul style="list-style-type: none"> <li>• There is no evidence that the trees presently on the block were planted by Champion which is admitted. Fails to adequately explain why the trees cannot be managed under the existing extensive tree controls and fails to consider the loss of amenity that would accompany a heritage listing of the specified trees.</li> <li>• Fails to adequately demonstrate any heritage value in the rock wall at the front of the property.</li> <li>• Fails to adequately justify extending the heritage overlay to the rear curtilage of the house i.e. the backyard</li> <li>• Fails to adequately justify the need for external paint controls.</li> <li>• The consultants and Banyule have acted in bad faith by conducting the assessment during a period of worldwide pandemic which prevented meaningful consultation with third parties and constitutes a denial of adequate process.</li> </ul>	<ul style="list-style-type: none"> <li>• Whilst no documentation has come to light that it was actually designed by the Champions, it was owned and occupied by one of the brothers and some detailing is consistent with other examples of their work. Comparison with another fine example of their work in Spotswood (City of Hobsons Bay) of 1908 shows a similar use of smaller gables/gablets and lower pitched roofs than was the contemporary preference and a similar verandah that extends the full width of the front façade when typically they were offset and located to only part of the façade, albeit returning along a side elevation. Also their preference for only using brackets as decorative elements rather than either, or in addition to, a fretwork frieze.</li> <li>• Henry Champion has associations with the municipality as his advice was sought as an engineer in the Eaglemont Estate (of which the subject site was part). He was also responsible for the survey of the Hillsley Estate, Ivanhoe in 1908.</li> <li>• Local significance is assessed on a municipality basis, hence it is limited to Banyule.</li> <li>• Considering existing environmental controls, it may not be necessary for the application of heritage tree controls. Direction from Council indicates the existing local tree controls are sufficient.</li> <li>• The retaining rock wall is an intact dry-stone wall which has been well executed. Given only a small section at the southern end has not been cemented, it is remarkably intact and likely to be original (though not confirmed). As such, it has been assessed as a significant element at the site.</li> <li>• It is standard practice for the whole site in a suburban context to be included in the extent of the heritage overlay, though this is not the case with large rural properties. The 'What is Significant' section identifies what elements at the site are significant such that proposing change to</li> </ul>



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		<p>other elements/parts of the site can usually be relatively straightforward (if they do not negatively impact on the significant elements/parts).</p> <ul style="list-style-type: none"> <li>It is standard practice to apply external paint controls to buildings of individual significance if they are timber-framed or (largely) rendered so that sympathetic paint schemes are applied.</li> </ul> <p><i>Council Officer Comments</i></p> <ul style="list-style-type: none"> <li>Owners were advised of the results of the Banyule Heritage Study 2020 in August 2021 and again in October 2021 of Councils resolution to adopt the study and seek interim and permanent heritage controls. Exhibition of the Amendment C165 included notification to all owners and occupiers and ran for six weeks, two weeks longer than required by the <i>Planning and Environment Act 1987</i>. Exhibition provides the opportunity for submissions to the amendment to be made. It is not considered that the pandemic has prevented adequate consultation with owners. All affected property owners were given the opportunity to discuss the heritage assessment for their property with Council's heritage consultants both prior to, and during, exhibition of C165.</li> </ul> <p><b>Recommendations:</b></p> <ul style="list-style-type: none"> <li><b>Remove tree controls</b></li> <li><b>Amend Statement of Significance/Citation to further clarify alterations</b></li> <li><b>Further investigation of the rock wall may be necessary</b></li> </ul> <p><b>Refer Submission to Panel (for unresolved issues)</b></p>

Submission No.	Issues raised (summarised by Officers)	Consultant or Officer Comments & Recommendations
<p>5</p> <p>Request changes</p>	<p>Submission regarding Mother of God Church at 56 Wilfred Road, Ivanhoe East</p> <ul style="list-style-type: none"> <li>The proposed HO is not supported, however a formal objection will not be raised, providing that the internal alteration controls are not applied to the property.</li> <li>The application of the internal alteration controls is not supported by the citation and is inconsistent with Practice Note 1 – Applying the Heritage Overlay. <ul style="list-style-type: none"> <li>The exhibited statement of significance does not explain why the exposed black-matt painted steel beams and timber-lined ceiling are important to the historical and aesthetic values identified for the property.</li> <li>The application of internal controls to select internal features and finishes is atypical of the way that the HO is applied across the state, and is not a recommendation of the current Practice Note.</li> </ul> </li> <li>Suggests the tree controls should not be applied to the property, the landscape elements are overstated and does not warrant protection by the HO.</li> </ul>	<p><i>Heritage Consultant Comments</i></p> <ul style="list-style-type: none"> <li>As the extent of the proposed internal controls was limited (exposed black-matt painted steel beams and timber-lined ceilings because the interior was altered), it is recommended that they could be removed according to the submitter's request.</li> </ul> <p><i>Council Officer Comments</i></p> <ul style="list-style-type: none"> <li>Considering existing environmental controls, it may not be necessary for the application of heritage tree controls.</li> </ul> <p><b>Recommendations:</b></p> <ul style="list-style-type: none"> <li><b>Remove internal controls</b></li> <li><b>Remove tree controls</b></li> </ul> <p><b>Potential to resolve submission prior to any Panel</b></p>

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<p>6</p> <p>Opposed</p>	<p>Submission regarding 46 Panorama Ave, Lower Plenty</p> <ul style="list-style-type: none"> <li>• Will restrict future alterations and owner's opportunity to capitalise on their residence.</li> <li>• With the extensive structural inclusions, alterations, and renovations over the years there is very little "original" left.</li> <li>• Challenges significance of features mentioned in Statement of Significance</li> <li>• Suggests house is not special or significant enough to warrant HO</li> <li>• Queries whether there are other/better examples of Knox houses</li> <li>• Would like an independent second opinion, paid for by Council, chosen by owner</li> </ul>	<p><i>Heritage Consultant Comments</i></p> <p>No substantial new information/assessment was provided to recommend not seeking a HO. The citation could be further clarified in parts concerning modifications (already discussed) in the 'what is significant' section and 'history'.</p> <ul style="list-style-type: none"> <li>• The heritage controls would largely apply to the significant fabric and there is considerable scope for change at the rear of the site.</li> <li>• The 'What is significant' section highlights that the original section – footprint and associated fabric - is what is significance. The other parts are not significant.</li> <li>• Several other houses and one church designed by Knox were included in the lists provided by Council during Stage 1. What were assessed as the three most distinctive examples, have progressed to Stage 2. The three Knox houses recommended are all different reflecting varying aspects of his practice over the years.</li> <li>• The Vera Knox house reflects a carefully considered integration of the house into the terrain of the site whilst being demonstrative of an unusual approach to the façade for him – being remarkably open (suggesting the influence of the famous Modernist architect, Mies van der Rohe), when often (especially his earlier examples) had typically relatively solid/opaque frontages. This openness was made possible by nonetheless providing privacy by nestling the house into the terrain.</li> <li>• The house is distinguished by a rare use of limestone, which is possibly without comparison in the Municipality in the domestic sphere on this scale.</li> </ul>

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		<p><i>Council Officer Comments</i></p> <ul style="list-style-type: none"> <li>• The HO does not prevent change, rather it seeks to appropriately manage change. The intent of the HO is to conserve enhance heritage places by ensuring any changes have regard to the heritage value of the particular place. New additions or alterations are permissible via a planning permit and are assessed on an individual case by case basis with input from Council’s Heritage Advisor</li> <li>• A second opinion or peer review by a suitably qualified heritage professional could be considered. This would be funded and organised by Council. Owners are welcome to engage and fund their own experts if they wish to.</li> </ul> <p><b>Recommendations:</b></p> <ul style="list-style-type: none"> <li>• <b>Amend Statement of Significance/Citation to further clarify modifications</b></li> </ul> <p><b>Refer Submission to Panel (for unresolved issues)</b></p>
<p>7</p> <p>Opposed</p>	<p>Submission regarding 38 Quinn Street, Heidelberg</p> <ul style="list-style-type: none"> <li>• The property is not within a streetscape or an area that has any cohesive heritage significance, including the property in a site-specific HO would have limited effect in terms of preserving local heritage character.</li> <li>• The dwelling is not of sufficient local heritage significance as to warrant an individual HO control. The citation is out of date and does not consider the</li> </ul>	<p><i>Heritage Consultant Comments</i></p> <p>No substantial new information/assessment was provided to recommend not seeking a HO.</p> <ul style="list-style-type: none"> <li>• It is not suggested that the place is part of a precinct. Graceburn was built some 50 years before more intensive suburban development occurred in the area (for instance, its holdings were subdivided in 1956). As highlighted in the citation, Graceburn is a rare and largely intact surviving example of an early phase of development in this part</li> </ul>

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	<p>current state of the dwelling inclusive of recent alterations and additions made to the building.</p> <ul style="list-style-type: none"> <li>• The dwelling is not associated with any particularly prominent owners, builders or architects and cannot reasonably be considered to be of particular social, architectural or historic significance.</li> <li>• There are other comparable examples of Federation style dwellings in Banyule already protected by the HO as well as comparable and/or better examples of this style in nearby Melbourne suburbs that are protected by HO's and located in heritage precincts.</li> <li>• The HO would create an unreasonable impediment to the on-going enjoyment of the home and the ability to modify it to meet the family's changing needs and aspirations over time.</li> </ul>	<p>of the municipality. It is in stark contrast to its neighbours – both immediate and more broadly in the area.</p> <ul style="list-style-type: none"> <li>• The house has been comprehensively researched, its fabric assessed, and a comparative analysis undertaken which outlines its significance. It is understood that the recent works were not undertaken with the appropriate consents and original fabric to the front of the house has been removed and/or altered before a stop work order was enforced. It is critical for the heritage significance of the place that the pre-existing /original elements to the front of the house are accurately reinstated. This includes the decorative frieze (a part of which survives) and the original window and door detailing (architraves, frames, leafs, etc.).</li> <li>• A place does not need to be associated with prominent people – either owners, architects or builders - for it to be of heritage significance. The site has associations with the Rouch family – for whom it was built, likely by the original occupant's father, a local timber merchant.</li> <li>• Graceburn is distinguished from the much of the mainstay of Federation period housing. The comparative analysis outlines how there is no ready comparison for this place in the municipality.</li> <li>• The introduction of a heritage overlay does not preclude change being undertaken, especially to the rear parts, if they are sympathetic – that is, largely concealed from the public domain and do not dominate the original/significant fabric. Internal controls are not proposed so change to the interior is not affected by heritage considerations. Only external paint controls are proposed, which is standard practice for a timber building of individual significance.</li> </ul>

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		<p><i>Council Officer Comments</i></p> <ul style="list-style-type: none"> <li>Building works have recently been undertaken on the property in line with a building permit issued by a private building surveyor in February 2022. Council is not involved in this decision and merely receives notice of it. The owners were notified in writing of the heritage significance of their property and Council's intention to pursue a HO well in advance of the building permit application. A Section 29a of the <i>Building Act 1993</i> demolition consent application should have been made to Council before any demolition occurred. This application was not made and therefore the demolition works that have occurred were made without the proper approvals. It is also unfortunate the interim controls requested of the Minister for Planning in October 2021 were not approved in a timely manner. The interim HO would have triggered the need for a planning permit providing Council with the opportunity to consider the heritage impacts of the proposed works and averting the current situation from occurring.</li> <li>The HO does not prevent change, rather it seeks to appropriately manage change. The intent of the HO is to conserve enhance heritage places by ensuring any changes have regard to the heritage value of the particular place. New additions or alterations are permissible via a planning permit and are assessed on an individual case by case basis with input from Council's Heritage Advisor</li> </ul> <p><b>Recommendations:</b></p> <ul style="list-style-type: none"> <li><b>Advice provided to Council is that the heritage elements removed should be reinstated to protect the heritage integrity of this property</b></li> </ul> <p><b>Refer Submission to Panel (for unresolved issues)</b></p>

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<p>8</p> <p>Support and would like additional controls</p>	<ul style="list-style-type: none"> <li>• Supports the process of heritage protection to prevent destruction of character as seen in neighbouring municipalities.</li> <li>• Suggests that Council also include additional controls to protect the unique stone walls and internal private parklands in East Ivanhoe and Eaglemont.</li> </ul>	<p><i>Council Officer Comments</i></p> <ul style="list-style-type: none"> <li>• Note support for heritage protection</li> <li>• While the suggestion is appreciated controls for additional places are outside the scope of Amendment. The purpose of the Amendment is to implement the recommendations of the Banyule Heritage Study 2020. The places proposed for the HO have undergone a robust assessment and are included in the exhibited amendment. It is not possible to add places to the Amendment after exhibition, as any new place would not have been part of public exhibition and affected properties would not have been informed or provided the opportunity to participate in the process. This would be inconsistent with the fair and transparent process required of planning scheme amendments.</li> </ul> <p><b>No changes are proposed to the amendment as a result of this submission</b></p>

**Attachments 3-15: Revised Citations (provided separately)**

3. Beddison/Swift House, 5 Crown Road, Ivanhoe
4. Lindsay Edward House, 149 Old Eltham Road, Lower Plenty
5. Willis House, 10 Gruyere Crescent, Ivanhoe East
6. Royd, 61-63 Mount Street Eaglemont
7. Mother of God Church, 56 Wilfred Road, Ivanhoe East
8. Graceburn, 38 Quinn Street, Heidelberg
9. Lobbs' Tearooms (former) and Diamond Valley Learning Centre, 1 Diamond Creek Road, Greensborough
10. Welsh House, 4 Eton Court, Heidelberg
11. Purcell House, 17 Hartlands Road, Ivanhoe East
12. Crittenden House, 30 Longstaff Street, Ivanhoe East
13. St George Peace Memorial Church, 47 Warncliffe Road, Ivanhoe East
14. English House, 50-52 Philip Street, Lower Plenty
15. Okalyi House, 66 Old Eltham Road, Lower Plenty