

Heritage Issues

Summaries from Panel Reports

Issue 2
March 2018



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1 Introduction

This report is a compilation of planning panel reports on heritage amendments to planning schemes. The research was initiated in September 2013, updated in May 2015 (Issue 1) and further revised in March 2018 (Issue 2). It outlines some of the issues commonly addressed by Panels in recent years.

The report is intended to assist Panel Members considering future heritage amendments, planning authorities preparing heritage amendments and parties presenting at Panel Hearings.

The report is available in electronic form on the Planning Panels Victoria web site at:

<https://www.planning.vic.gov.au/panels-and-committees/panel-and-committee-reports/planning-panels-victoria-discussion-papers>

This report presents specific findings for various issues and do not represent any general view of Planning Panels Victoria. Panel responses may vary depending on context, issues raised in submissions, quality of submissions, whether expert evidence was called and other specific reasons.

Issue 3 introduces:

- Heading and navigation structure with numbered reference points
- Recent matters since 2015
- Planning Panels Victoria Heritage Reports 2001-2018 listing (Section 30).

If you have any inquiries about this report, please contact Planning Panels Victoria on (03) 8392 5120 or planning.panels@delwp.vic.gov.au.

2 Use of interim controls

2.1 Mount Alexander C73 (2017) and permit application

Council's heritage adviser found that the Chinese history of a building should be protected by applying the Heritage Overlay. Council did not support the advice and did not seek interim controls. The building was demolished during the Hearing. The Panel concluded that the Heritage Overlay was no longer justified, and it encouraged an interpretive installation on the subject land.

2.2 Stonnington C243 (2017) p14

Council sought interim controls so that a Panel could consider the strategic threshold for an Edwardian building. Its request was refused on two occasions and, without protection in place, the building was demolished the day before the panel hearing commenced. The Panel concluded that the property's significance was diminished to the point where the Heritage Overlay is not justified or appropriate. The Panel encouraged an interpretive installation on the subject land to inform future generations about the former building.

2.3 Greater Shepparton C110 (2013) section 5.1 p.53

Confusion where interim controls are proposed to be removed and not replaced by permanent controls when owner makes no submission, but others oppose this change. Introduces the issue of notice.

Also issue of whether interim controls make it appear that the Council does not trust the community.

2.4 Boroondara C119 (2011) pp.2-3, 13-14

Discussion about what to do about interim controls when the Amendment has been abandoned. In this case, substantial demolition had been carried out, diminishing the heritage significance of the property to the point where the site-specific amendment was no longer appropriate. The Panel recommended that Council either ask the Minister to remove the controls or retain them until their expiry date while an assessment of a potentially significant tree (undamaged by the demolition) was carried out.

2.5 Bayside C37 and C38 (2004) pp.103-105

An interwar property was proposed for listing. The Panel considered that insufficient comparative analysis had been undertaken on housing from this era to justify listing and recommended that it should be retained under the interim heritage controls until a broader study of properties from the period was undertaken.

2.6 Greater Geelong C49 (2004) pp.20-22

Owners objected to the fact that their house had not been identified in a heritage study and its heritage qualities were only identified after an application was made to demolish it and redevelop the site (following advice from Council statutory planning staff that there were no heritage issues). The Panel recognised the validity of the owners' concerns but noted that the Building Act requirements for 'report and consent' from a Council for demolition of a building of potential

heritage significance (to be followed by a request to the Minister for interim heritage controls) had been designed to be used in such an eventuality. However, the Panel recommended greater training for statutory planners in heritage matters and more internal consultation.

3 Notice issues

3.1 Campaspe C50 (2013) p.37

Arguments that no or inadequate notice was provided to owners were not accepted by Panel.

3.2 Maroondah C42 Supplementary report (2010) pp.5-6

Notifications concerning a church property were sent to an incorrect address, so only a partial submission was able to be made in time for the hearing. The Panel agreed to receive further information and/or reconvene the hearing, but no further correspondence was received by the deadline. The Panel decided to proceed on the basis of the information available.

3.3 Ballarat C107 (2009) pp.34-35, 37-38

Re addition of significant tree controls in the schedule and a listing in the policy / Statement of Significance because of new information presented at a hearing and an upgrade in the classification of several properties, as a pre-adoption change. The Panel recommended that these changes should occur only if the owners had no objection. Otherwise, they should be exhibited as part of a future amendment.

3.4 Melton C71 (2009) pp.51-52

An owner of a commercial property was advised of the amendment only by letter to the property, rather than to the address registered with council for service of notices etc. The tenant failed to pass on the letter. The owner subsequently became aware of the amendment in time to participate in the hearing. The Panel concluded that, while he may have been inconvenienced, he had not been materially disadvantaged. It advised Council to be more careful in future.

3.5 Melton C71 (2009) pp.53-54

A late submission was received by PPV, dealing with general issues and not apparently relating to a specific property. Council was not advised to add the submitter to the list of parties to receive copies of expert evidence, so he only became aware of it at the opening of the hearing. However, the report largely contained the same information as did the citation for the property, which had been provided to him previously. He also had the opportunity to hear the expert witness's presentation concerning his property and to cross-examine him. The Panel took responsibility for the failure to add him to the list, but concluded, on the basis of the above, that he was not substantially disadvantaged by not receiving the report prior to the hearing.

3.6 Maroondah C42 (2010) p.34; Nillumbik C78 Part 2 (2013), pp.6-7

Several Panels have pointed out the advantages of having an informal notification and information process prior to the exhibition of a heritage amendment. This

allows owners or occupiers to understand what is proposed, ask questions of consultants etc. and provide additional information that may not have been available at the time the studies were prepared. It might also allow more detailed inspections of properties to confirm the extent of change, etc. which might lead to changes of mind about the significance of the place.

3.7 Bayside C37 and C38 (2004) p.209

Mistakes were identified in the numbering of properties in heritage amendments, which meant that the owners had not been notified that their dwellings were proposed for Heritage Overlay listing and/or proposed to be identified as contributory within a precinct. In each case, the Panel required notification to be given to owners and occupiers and allowed them to be heard (reconvening the hearing where necessary).

3.8 Monash L51 (1999) p.14 (para commencing 'The proposed Heritage Overlay impacts significantly on areas of Oakleigh ...')

Inadequate allowance made for non-English-speaking residents in wording of Notice.

3.9 Yarra Ranges C131 (2014) Chapter 4.1.1 pp.12-14

Residents complained that the notices did not contain enough information for them to understand the impacts of a proposed Heritage Overlay.

4 Defining precincts

4.1 Yarra C214 (2017) p.20

The two remaining properties cannot be justified as a legible precinct.

4.2 Ballarat C200 (2016) pp.22-23

The Amendment proposed the Heritage Overlay be applied to four precincts and 22 individual places. One of the precincts, the Jenkins Row Heritage Precinct in Sebastopol was considered not strong enough to support the Heritage Overlay. There are stronger examples of interwar period development in Sebastopol and Ballarat.

4.3 Boroondara C177

The Panel referred to Yarra C173 Panel view, '*A precinct should be able to show a consistency or built form and be able to be precisely described in a statement of significance*'. That Panel also addressed the intactness precincts, questioning the inclusion in a precinct where the precinct is difficult to recognise on the ground due to the low proportion buildings that contribute to historic or architectural significance. The C177 Panel:

- assessed the threshold and delineation of proposed precincts based on whether they can be understood as a distinguishable, cohesive unit that illustrates the significant heritage values described in the relevant statement of significance.
- The presence of and gaps in heritage places is a starting point for assessment of precinct integrity, with further consideration of the

prominence of places that either contribute to or undermine the heritage values, the effect of topography, and the location of the heritage places in the precinct.

- expressed concerns about the strength of the case for the significance of the English Counties Residential Precinct and recommended review of some areas (not subject to submissions and the exclusion of some areas that were subject to submissions.
- considered a tighter statement of significance for that precinct would provide better guidance for the administration of the overlay.

4.4 Wyndham C209 (2016)

Two submissions sought the extension of an identified dry stone wall precinct to cover additional walls that were part of its shared historic basis, but were proposed to be included in the 'serial' listing of other walls. Expert evidence opposed their inclusion in the precinct because they were now physically and visually separated from it.

The Panel noted that, pursuant to its earlier recommendation about omitting C- and D-graded walls, most of the walls in this area would now be excluded from the Amendment. On the basis of inspection, the Panel concluded that the subject walls were coherent as a group and had a strong relationship to the historic landscape of the township and other heritage places within it. It recommended that Council consider identifying a new dry stone walls precinct to encompass all these walls. Given that they were already proposed for the HO in the 'serial' listing and no objecting submissions had been received, the Panel did not believe this constituted a transformation of the Amendment.

4.5 Melbourne C215 (2014) pp.13-27

The Heritage Overlay boundaries were not suitable for Kensington because there were small timber terraces in a poor state of repair.

4.6 Melbourne C240 (2014) pp.61-62

Including part of a Victorian Heritage Register listed place within a precinct.

The appropriateness of the extent of the Bourke Hill Precinct is considered, particularly whether non-contributory properties at the edge of the precinct should perform the role of 'buffer sites'.

4.7 Mildura C79 (2014) p.12

Part of a precinct demonstrating little heritage cohesiveness.

4.8 Yarra Ranges C131 (2014) Chapter 5.2.10 p.34

Four adjoining properties had been omitted from precinct by the Council on the grounds that *'we always omit groups of 3 or more non-contributory properties'*. Panel was critical as potential impact of new development was detrimental to integrity of precinct, especially on opposite side of the street.

4.9 Campaspe C50 (2013) Section 5.4

Criteria which might be useful in defining precincts are discussed.

The key objective is to draw the precinct boundaries in a way that defines a place with recognisable heritage characteristics. The number of contributory buildings is one factor in helping provide this sense of place but there are other factors. Other factors include the scale and degree of intactness of the contributory buildings, the extent of street frontage they occupy and whether they are prominently sited within the precinct, as well how recessive or otherwise are the non-contributory buildings. There may be other factors tying together a group of significant buildings such as a regular street setback or a garden setting.

4.10 Campaspe C50 pp.45-48; Bayside C82 p.22

Whether precincts are adequately defined and described or are simply a boundary drawn around several 'contributory' buildings. Precincts inappropriately going around corners.

4.11 Yarra C157 and C163 (2013) pp.78-80

Discussion of the characteristics and definition of heritage precincts (in this case commercial).

4.12 Greater Shepparton C110 (2013) section 4.1 especially pp.49-50

Precinct considered to lack cohesion and be too extensive in terms of period of significance and diversity of land uses. Dispersed nature of places of significance also problematic.

4.13 Melbourne C186 (2012) pp.23-24

Musings on the nature of precincts including small scale precincts.

4.14 Boroondara C148 (2012) pp.10-13

Submissions to expand the Union Road Precinct and to remove specific properties from the above Precinct.

4.15 Baw Baw C86 and C90 (2012) p.37

The Panel supported the removal of the Heritage Overlay from three contributory dwellings in the then B1Z on the basis that they were a very small part of a large precinct but observed that in principle the Heritage Overlay was entirely appropriate over commercial/business zones in the right circumstances, regardless of their intended use.

4.16 Stonnington C157 (2012) pp.5-7

The Amendment proposed to redefine the boundary between two precincts (and omit some buildings currently covered.) in order to improve the focus of one of the precincts on buildings designed and constructed by a prominent architect. The Panel agreed and considered that the change strengthened one precinct and did not detract from the other.

4.17 Warrnambool C68 (2011) Chapter 5.1 pp.23-24 'Definition of precinct boundaries'

Issue addressed under following headings:

- Need for high degree of integrity to ensure community acceptance.

- Boundaries need to reinforce integrity and heritage value.
- Extension of precincts ‘around the corner’ into areas of different character and integrity.
- Geographic/visual isolation of parts of precinct from the remainder.
- Each part of the precinct should be representative of the precinct-wide characteristics nominated in the relevant Citation.
- Need for cohesion and visual clarity.

4.18 Ballarat C107 (2009) pp.16-26, p.38

Several precincts proposed for Heritage Overlay listing were large and heterogeneous, which made comparative analysis difficult. The Panel concluded that many of the precincts already covered by the Heritage Overlay in Ballarat were of similar character and these had established the threshold for the municipality. A variety of minor changes to the boundaries and to the identification of places ‘not of heritage significance’ were supported.

4.19 Mount Alexander C25 (2005) pp.33-41

Use of controls on land surrounding significant heritage assets to maintain views to and from the site(s) and to reduce potential development density. The Panel concluded that the proposed controls were justified.

4.20 Bayside C37 and C38 (2004) pp.55-61, 168-211

The Panel was concerned that the list of contributory buildings in some precincts did not seem to reflect the Statements of Significance and that the boundaries appeared to be arbitrary and not easily understandable on the ground. The report considered several alternative ways of defining precincts, including historical boundaries (e.g. subdivisions) and visual cohesion. The Panel recommended that some precinct Statements of Significance should be revised, some precincts should be reduced in extent and some should be omitted (and studied further). It also considered that the list of contributory buildings should be deleted from the heritage policy and a new incorporated plan prepared to identify non-contributory buildings.

4.21 Monash L51 (1999) Section 3.3 pp.17-22 ‘Extent of heritage precincts’

Issue addressed under following headings:

- to what extent is the degree of ‘intactness’ relevant?
- how is ‘contributory’ and ‘non-contributory’ status determined?
- are there other issues in some areas which might over-ride heritage objectives?
- do the overlay boundaries adequately define the heritage precincts?

5 Preparing Statements of Significance for individual sites and precincts and housing them

5.1 Melbourne C186 pp. 22–23

Concern that consultant had used outdated approach to Statements of Significance. Support for current guidance by Heritage Victoria on this. Discusses value of good drafting.

5.2 Yarra C85 (2008) pp.159-162

The amendment proposed to include all Statements of Significance for precincts, for places within precincts not from the primary period of significance, and for individually significant places (where a Statement of Significance existed) in an incorporated document. The Panel considered that the statements – which were really citations - were too long and confused history and significance, but agreed to their incorporation in the short term, to be replaced in due course by short statements of planning policy in the accepted form (what, how, why).

5.3 Melton C71 (2009) pp.45-48

The Panel recommended that the Statements of Significance places in the amendment should be included in an incorporated document under Clause 81 and statements should be prepared for those places without them (including those already on the Heritage Overlay) and incorporated through a future amendment.

5.4 Maroondah C42 (2010) p.60 and p.62

The Panel recommended inclusion of a reference to the most recent heritage study in the MSS and the preparation of a heritage policy. It also recommended extracting the key components of the citations and including them in an incorporated document (in a later amendment).

5.5 Brimbank C125 Part 2 (2011) pp.39-41

The Panel recommended that council should consider, as a future amendment, adding the Statements of Significance and lists and maps of contributory properties to the heritage policy or incorporating them in a separate document. It also recommended that the precinct-specific heritage guidelines should be referenced in the heritage policy and/or some material from them should be included in the policy.

5.6 Campaspe C50 pp.56-58; Melbourne C186 p.22; Boroondara C101 p.17

The adequacy and clarity of Statements of Significance are critical to their ability to assist in scheme management. A 'group' Statement of Significance is found not to be adequate.

5.7 Greater Shepparton C110 section 5.4 pp.58–59

Panel recommends extracting key elements of the Statements of Significance for all heritage places from the citation reports and compiling them into an Incorporated Document. No support to retention of statements only in the study as a Reference Document.

5.8 Casey C80 Part 2 pp.20–21

Panel supports incorporation of Statements of Significance on basis that greater weight will be afforded to them in decision making.

5.9 Boroondara C55 pp.44–46

Discussion about avoiding confusing State basis of significance with local significance of Camberwell Railway Station components.

5.10 Boroondara C150 pp.10–11

Panel recommends that significant places in a precinct should be listed together in the precinct citation to allow easier access to them. Different policies apply to significant v contributory and non-contributory places in precincts in that scheme.

5.11 Whitehorse C157 Chapter 7.1 p.87 dot points 2 and 3

The study program needed to allocate more time to the preparation of Statements of Significance – they appear to have been ‘hurried’. More detail is needed, especially in the ‘What is Significant’ section to identify significant architectural elements – the basis of decision-making on permits. The study would have benefited from a broader approach to context, setting and social influences.

5.12 Mildura C79 p.17

Dwelling nominated without a site assessment and without owner’s consent. Panel finds this inadequate.

5.13 Moonee Valley Racecourse Advisory Committee - Moonee Valley C124 p.55

It is important that the Statement of Significance is clear about what individual items are significant within the complex. As opposed to a published history, the Statement of Significance is essentially part of the tool box to assist in understanding the place and then managing change.

5.14 Moonee Valley Racecourse Advisory Committee - Moonee Valley C124 p.54

Having regard to the criteria set out in Planning Practice Note 1, it does not elevate one criterion over another. A place can be significant, meeting a variety of criteria or one criterion. The Practice Note does not place architectural or aesthetic significance above other criteria and there are cases where historical and social significance is strong and justifies formal recognition of cultural heritage significance.

6 Heritage Overlay mapping and curtilage

6.1 Stonnington C348 (2017)

The Panel agreed to not apply the Heritage Overlay to a tennis court which was on land acquired more recently by the existing owner. It did, however, recommend that the Heritage Overlay extend three metres from the heritage building’s eastern elevation which partly encroached onto the tennis court land.

6.2 Manningham C113 (2017)

The objecting submission should not have been dismissed as beyond the scope of Amendment because it related to the extent of the Heritage Overlay. Recommended that the property be removed from the Heritage Overlay because since the property was subdivided and redeveloped, no significant fabric remained, and it no longer reached the threshold of local heritage significance.

6.3 Melton C100 (2015) pp.19-22 & 33

Some submissions opposed a 5-metre buffer being included on each side of listed walls as part of the defined heritage place in the Heritage Overlay.

The Panel considered that it was necessary, as advised by Planning Practice Note 1, for a curtilage to be defined for each heritage place. It agreed that five metres was a sufficient area to act as a buffer for the significant walls, without constituting too much of an imposition on owners. Farming activities, such as ploughing, sowing and harvesting within the five-metre buffer would not normally require a planning permit. It was possible that weed or pest management near walls could need a permit, particularly where heavy machinery was involved, but this appeared to the Panel to demonstrate exactly why a buffer was required. One shortcoming of present planning controls was that no permit was required to plant vegetation within the buffer zone.

6.4 Greater Geelong C49 (2004) pp.103-104

The issue was how to map an individually significant place that is also part of a precinct. The Panel recommended that the Department should develop a way in which the existence of 'dual controls' (ie a Statement of Significance for the individual place as well as the precinct) could be flagged to users of the planning scheme.

6.5 Corangamite C3 (July 2006) pp.14-25

Discussion of appropriate mapping of places listed in the schedule but not previously shown on the Heritage Overlay maps in the planning scheme. Issues included the extent of area to be mapped on rural properties (whole lot/title boundaries vs a smaller curtilage around significant buildings or sites). The Panel generally supported mapping a restricted area around significant components, where sufficient information was available. However, it noted that for some places, there were no Statements of Significance from which significant components could be identified and simplistic approaches to mapping, for example, a place described as 'X homestead' ran the risk of excluding other items or sites of importance.

6.6 Corangamite C3 (July 2006) pp.30-32

Council (on the advice of the Department) proposed to remove individually significant places from an existing precinct and to list them separately in the schedule and map them separately. The Panel recommended that only the VHR places should be listed and mapped separately and other individually significant places should be identified in the local heritage policy at Clause 22.

6.7 Melton C71 (2009) various

Council proposed to reduce the exhibited extent of mapping of farm properties to encompass the areas of heritage significance rather than the entire title. The Panel generally supported these changes.

6.8 Campaspe C50 pp.50–55

The problem of:

- ‘punching holes’ in precincts to provide for significant buildings
- mismatching addresses in the existing scheme and amendment.

6.9 Southern Grampians C6 p.6

Large mapping exercise involved in rural shire and special delineation of Heritage Overlays required as part of larger properties.

6.10 Greater Shepparton C110 section 5.2 pp.54–57

Reasonably extensive discussion of the issue of wanting to apply double listing (that is a place has an individual basis of significance but also contributes to a precinct) and ways to deal with it. Report urges Department to allow double listing.

6.11 Boroondara C99 pp.16–18

Examples of where double listing already occurred in Boroondara planning scheme. Practice of double listing supported.

6.12 Buloke C14 pp.57–61

Precinct listing was under consideration by the Panel but was to be followed by extensive individual place listings in a subsequent amendment. The extent of individual place listings in precincts would have eroded any sense of the precincts. Panel made interim report and said sort it all out.

6.13 Yarra Ranges C131 Chapter 5.1.5 p.24 para 3 (At the hearing...)

Approach to mapping of individual Heritage Overlays within a precinct inconsistent between precincts. Panel recommended that in both precincts individual Heritage Overlays be deleted; the sites be identified as ‘significant’ within the precinct; a brief Statement of Significance be included in the Citation under the heading ‘Significant sites within the precinct’.

6.14 Melbourne C240 p.66

There are a few Councils that have two layers of Heritage Overlay map: one for precincts and one for individual buildings of significance. The Panel noted that the current mapping arrangements do not comply with the Practice Note, though noted that the 2007 report of the Advisory Committee reviewing the Heritage provisions of Planning Schemes would support this approach. The Panel considered this matter is best left to the Council to resolve as part of its future heritage review.

7 Applying additional controls

7.1 Wyndham C209 (2016) pp.2 & 33

The Panel recommended that the HO schedule should be revised to ensure that all places where dry stone walls were identified as part of the significance of the place had a 'Yes' in the column relating to exemptions under clause 43.01-3.

This has become an urgent task for all planning authorities in the light of *Portland Historic Buildings Restoration Committee Inc. v Glenelg SC (Red Dot)* [2017] VCAT 519 (1 May 2017), which found that even where a wall was identified specifically as part of the heritage place, the exemptions under clause 43.01-3 still operated – including eligibility for VicSmart – if it was not also listed in column 6 (or at least a 'Yes' placed in that column).

7.2 Stonnington C222 (2016)

The Panel encouraged Council and the Department of Environment, Land, Water and Planning to consider the potential for a planning scheme amendment(s) to introduce exemptions from permit requirements in the Heritage Overlay for categories of proposals that pose little risk to heritage values.

7.3 Boroondara C177 (2016)

The 'streamlined' permit processes advanced by the VicSmart made a positive contribution to cutting red tape, but the Panel considered there was scope for exemptions from permit requirements for categories of proposals that pose little risk to heritage values, such as alterations to non-contributory places and works to contributory places that are not visible from the public realm.

7.4 Boroondara C178 (2015) p24

A submitter was concerned that a property proposed for the Heritage Overlay – a shop and attached dwelling – was now zone GRZ3; therefore if the shop section of the property was vacant for any length of time it could lose its existing use rights.

As the significance of the building related, in part, to its construction for occupation as a shop, the Panel determined that it would be appropriate to permit the consideration of prohibited uses. It noted that care should be taken in including additional provisions in the HO schedule as a result of post - exhibition processes, but in this case it concluded that the addition of a 'prohibited uses' trigger would be a benefit to the owner and would not disadvantage other parties.

7.5 Bayside C37 and C38 (2004) pp.132-134

The Amendment proposed adding tree controls to an existing Heritage Overlay listing. This was opposed by the owner and ultimately supported by Council, with no reasons given. The Panel recommended, based on the original assessment and an inspection, that the tree controls should be applied.

7.6 Greater Geelong C49 (2004) pp.18-20

The Panel supported the view of the Ballarat C58 Panel that permit requirements to paint previously painted surfaces should only be applied selectively and with a very strong justification.

7.7 Greater Geelong C71 (2004) pp.18-19

The Panel supported the proposed tree controls being applied to the garden of a heritage property and suggested preparation of an incorporated plan to reduce the need for permits for tree management actions required (including replacement of some potentially dangerous trees).

7.8 Melton C71 (2009) pp.62-65

Trees proposed for listing in the schedule to the Heritage Overlay had traditionally been selectively cut to produce firewood for domestic use. The Panel suggested preparation of an incorporated plan that allowed this use to continue, with appropriate conditions.

7.9 Maroondah C42 (2010) pp.56-58

The amendment proposed to apply external paint controls to all buildings proposed for Heritage Overlay listing. The Panel considered that this was not sufficiently discriminating and should be reviewed to limit the control to places where it was justified on the grounds of impacts on important streetscapes or to preserve original paint schemes. It also noted that the controls were applied to many unpainted buildings, thus replicating the provisions of the Heritage Overlay 'head clause'.

7.10 Maroondah C42 Supplementary report (2010) p.16

Alterations to the Heritage Overlay boundary meant that the only buildings now contained within it were of face brick. The Panel recommended removing external paint controls since they restated a provision of the Heritage Overlay 'head clause'.

7.11 Greater Shepparton C110 section 5.3 p.57

Concerning the selective application of tree and paint controls in precincts:

... it is the Panel's suggestion that this can best be approached, not by excising the properties in question from the precinct and including them in their own Heritage Overlay with the additional controls selected in the schedule for that overlay alone, but instead by applying the controls to the precinct as a whole and then selectively removing the controls using the exemption ability provided by the Incorporated Plan. In the Incorporated Plan, the selective application of the additional control to properties within the precinct could either be done by providing a list of properties to which the controls do not apply, or alternatively providing a list of properties to which the controls only apply (whichever approach results in a less extensive list).

...

The Panel sees no reason why such an approach, for a precinct, cannot be adopted for all the optional controls in the schedule to the Heritage Overlay, acknowledging that care would need to be taken with the prohibited uses provision, to ensure that the use provisions in the underlying zoning were not excessively eroded.

7.12 Cardinia C162 (2014) pp.9-14

Discussion of thresholds for the identification of ‘significant trees’ proposed for addition to the Heritage Overlay as individual places. The Panel recommended that one tree should be omitted from the proposed Heritage Overlay listing, as it had an atypical form for the species, was different from the other three in its group and had been lopped to an extent that it was no longer recognisable as relating to them. Its streetscape contribution (identified as part of the significance in the Statement of Significance) had also been reduced.

7.13 Glenelg C55 Part 1 (2013) p12

The Panel did not accept Council’s reason (effectively none given) for removing exhibited tree controls, causing particularly difficulty when the tree was the only significant heritage element.

The Panel did also not accept Council’s position of removing exhibited internal controls from two properties (one public one private). Whilst the Panel considered that internal controls should be applied sparingly, in the two cases proposed, the merit of the interiors was not challenged.

8 Group v precinct listing

8.1 Whitehorse C74 Part 2 (2008) pp.36-38

A group of houses by the same designer-builder was originally proposed as a precinct, but this was not supported by Heritage Victoria. They were then proposed for individual listing. The Panel accepted this approach but suggested that a serial listing, which linked them all with a single Heritage Overlay number and Statement of Significance, might have been a better approach.

8.2 Melton C71 (2009) p.33

Various thematically-related rural properties were proposed for individual listing under the Heritage Overlay. When queried about the potential for using a group or serial listing, the consultants who prepared the study advised that they were not aware that this option was open to them.

8.3 Campaspe C50 pp.49-50. See also Melbourne C186 pp.50

Are collections of buildings really a precinct or could they be defined as a group?

If the buildings and other associated heritage items are reasonably proximate then the delineation of a heritage precinct is perhaps the preferable approach. It allows heritage input to decisions about changes to non-contributory properties adjoining or near the buildings that are of significance. This can reinforce and enhance the values of the precinct as a whole by ensuring that extensions, alterations and redevelopments of non-contributory properties are done in a way which complements the contribution made to the place as a whole by the contributory buildings.

If instead the significant buildings are very dispersed and well in a minority in the totality of buildings in the area in question, it may be better to give them a serial or group listing in order to avoid the inclusion in a precinct of an excessive number

of intervening non-contributory properties. Too many non-contributory buildings can lead to a dilution of the sense of precinct and cause an unnecessary administrative requirement for permit processing.

Serial listing is especially appropriate if the places have a recognisably common building form such as the East Echuca miners' cottages. While the term 'group listing' is sometimes used in relation to this type of listing, the Panel suggests that it is better applied to small proximate collections of properties which do not necessarily have the same built form and are too few to create a sense of precinct, but which share a common history.

8.4 Yarra Ranges C89 pp.14–16

'Serial' Heritage Overlay's were adopted to apply to houses of different periods in Lilydale.

8.5 Yarra C59 pp.30–38

Consideration of whether a group listing or precinct listing is appropriate for the former Rosella factory in Richmond. Group listing is favoured for most of the former site buildings as alterations to the site had had an overwhelming effect on the site's character and heritage values. Not sufficiently cohesive for a whole precinct and had been subdivided. Small precinct recommended for one end.

8.6 Greater Shepparton C110 section 2.1 pp.15-17

The Panel supports a precinct for down town Shepparton rather than a group listing on the basis that it would allow controls over the form and massing of new buildings on lots adjacent to contributory buildings.

8.7 Moreland C149 pp.33-42

The requirements for a group listing are discussed compared with precinct characteristics. The Panel holds that a group must be sufficiently distinctive to display its associations when the buildings are not proximate as in a precinct. A Moderne flat group supported but not a small factory group.

9 Proportion of non-contributory/contributory places

9.1 Stonnington C157 pp.5-7

The Amendment proposed to remove the Heritage Overlay from some non-contributory or low-graded buildings previous in precincts. The Panel was satisfied that the removal of the Heritage Overlay was appropriate and did not diminish the integrity and heritage significance of the precincts.

9.2 Glen Eira C19 (2002) pp.10-11

Extensions were proposed to an existing Heritage Overlay precinct to include properties that did not in themselves have heritage significance but where redevelopment could impinge on the streetscape and heritage values of the precinct. The Panel recommended use of a Neighbourhood Character Overlay for this purpose, rather than including the properties in the Heritage Overlay.

9.3 Greater Geelong C49 (2004) pp.32-36

The amendment proposed to include in a heritage precinct a residential area historically linked to the Barwon Heads golf course but mostly containing quite recent development. The Panel recommended that most of this area should be excluded from the precinct as it contained very little heritage fabric; a neighbourhood character overlay or design and development overlay should be prepared as part of a subsequent amendment to ensure that new development was sympathetic to the heritage values of the adjoining area.

9.4 Greater Geelong C49 (2004) pp.40-42

The amendment proposed to apply a precinct Heritage Overlay to an area including and adjoining the Barwon Heads river frontage. Most of the dwellings included in this area had no identified heritage values. The Panel recommended that most of the private properties be excluded from the precinct and that individual Heritage Overlays be applied to those identified as individually significant.

9.5 Brimbank C125 Part 2 (2011) pp.15-22, 28-38

A large precinct, based on historic subdivision boundaries, had been reduced in size prior to exhibition of the amendment to exclude many non-contributory properties. The justification for this was that while the whole area was of historical and social significance the Heritage Overlay dealt mainly with fabric and the new boundaries attempted to define a cohesive and representative area worthy of heritage controls. The Panel noted that it was generally accepted that contributory places should predominate within a precinct. It supported Council's proposals to exclude another part of the precinct made up largely of non-contributory places, and recommended excluding another area on the same grounds.

9.6 Monash L51 Chapter 3.3 (a) 'Degree of intactness' pp.17-18 and first para of Panel Conclusions p.21

The Panel said:

It is clear to the Panel that a street or area in which 80 per cent or more of the properties are substantially intact examples of inter-war development has genuine heritage significance, and that it is appropriate to apply the Heritage Overlay. However, streets or areas where the percentage of intact properties is much lower require much more careful consideration.

Detailed discussion follows.

9.7 Campaspe C50 p.46

There is no magic threshold percentage of contributory places before a precinct is valid.

9.8 Mildura C79 p.12

Part of a precinct demonstrating little heritage cohesiveness is omitted from precinct.

10 Heritage Overlay mapping of complex sites

10.1 Yarra C157 and C163 pp.45-57 and 67

Heritage Overlay mapping of complex sites, such as industrial complexes, which contain some significant fabric, some contributory elements and other fabric/spaces of no heritage significance. The Panel discussed four options for how this might be done, which might be appropriate in different circumstances; recommended reducing the extent of mapping of one site to cover only the significant fabric, but retaining the mapping over the whole site in another case.

10.2 Moorabool C6 Final Report (2013) pp.8-18

The land in question was a former industrial complex that contained several buildings with large plant and machinery imbedded in them. The owners, who were developing the place as an industrial park, opposed the Heritage Overlay being applied. The heritage expert witness called by the owners acknowledged the significance of the complex but proposed that a significantly reduced area should be covered by the Heritage Overlay. The Panel agreed that one minor contributory building should be excluded, together with more recent buildings on part of the site. It also recommended that an incorporated plan should be prepared, setting out changes that could be carried out without the need for a permit.

10.3 Maroondah C42 (2010) pp.73

A relatively recent private school complex was proposed for Heritage Overlay listing. The school initially objected, on the grounds of possible impediments to future evolution of the site. Council pointed out that no internal controls were proposed and indicated a willingness to delete the proposed external paint controls. The Panel noted that the Statement of Significance recognised the development of the site over time, with four different architects involved. A 'without prejudice' session at the hearing discussed the concept of an incorporated plan to reflect the proposed master plan for the site. The Panel recommended that Council work with the school to develop such a plan, prior to inclusion of the site in the Heritage Overlay.

10.4 Greater Geelong C49 (2004) pp.63-65, 72-73

Issues related to the heritage listing of industrial sites that are either still being used for industrial purposes or are vacant (or substantially vacant) and proposed for adaptive reuse. Options recommended (in various cases) include reduced Heritage Overlay coverage and preparation of an incorporated plan – based on a conservation management plan – to identify significant components of the site and reduce permit requirements.

10.5 Boroondara C55 pp.50–55

Difficulty encountered in defining extent of Heritage Overlay in railway station complex. Boundary partly defined to allow public visibility of heritage elements.

10.6 Warrnambool C29 (2004) pp. 33-36

Scale of development appropriate for adaptive reuse of former industrial complexes. The redevelopment of a former woollen mills complex proposed to retain and reuse several buildings and works of heritage significance (identified separately for Heritage Overlay listing) and to develop the remainder of the land for medium density housing and compatible uses. However, several submitters wanted the whole site cleared and made available for low density residential development. The Panel supported the proposed approach and recognised that a necessary response to the identified heritage assets – some very large in scale – must include the ability to retain them in situ and provide an economic return that would enable proper conservation.

10.7 Moonee Valley Racecourse Advisory Committee - Moonee Valley C124 pp.54-55

On large, complex sites – there is considerable flexibility in the way the Heritage Overlay can be applied which can assist in future management of complex sites and sites undergoing change. The use of the Incorporated Plan to the Heritage Overlay can provide the same flexibility that apply to sites on the Victorian Heritage Register.

10.8 Moonee Valley Racecourse Advisory Committee - Moonee Valley C124 p.55

Use of Incorporated Plans

In considering a large complex site, there is an opportunity to apply an Incorporated Plan, informed by the Statement of Significance and a Conservation Management Plan, to provide a list of permit exemptions, exemptions for third party notice, management and demolition guidelines, an interpretation strategy and guideline on managing memorials. The Incorporated Plan can inform the high level strategic planning for the site at the earliest stage, as well as inform future planning permit applications regarding restoration, retention, adaption, relocation, demonstration and interpretation across the site in the latter stages of decision making.

11 Rigour/strategic basis

11.1 Yarra C214 (2017) p.20

The Panel recommended that the Amendment be abandoned because one property did not warrant grading as a contributory building, the other property had insufficient justification and the two properties cannot be justified as a legible precinct.

11.2 Stonnington C135 pp.23-25 p.28

Submissions claimed that the treatment of the relevant theme ('worshipping') in the Thematic Environmental History did not justify the selection of the places proposed for heritage listing. They argued that Sunday Schools, kindergartens and other church buildings should not be included under this theme. The Panel pointed to a specific study of churches, church complexes and other halls, that formed the basis of the amendment. The Panel concluded that the theme of 'worshipping' included a range of activities related to the practice of the relevant

religion. It also noted that it was unreasonable to expect that a thematic environmental history would list all places representing each historical theme.

11.3 Yarra C157 and C163 pp.25-29.

Various submissions pointed out that places proposed for Heritage Overlay coverage had not been identified in previous studies of the relevant municipality and therefore could not have the heritage significance attributed to them. They also queried the legitimacy of ‘gaps’ studies. The Panel found that ‘gaps’ studies are legitimate, indeed necessary, to address areas or themes not previously studied in detail and to reconsider other places as required. It also found that the methodologies used in the relevant studies conformed to the requirements of the practice note on applying the Heritage Overlay, in that they used the HERCON criteria, involved comparative analysis and produced citations containing Statements of Significance that clearly explained the basis on which the places had been assessed as having heritage significance.

11.4 Kingston C26 (2004) pp.13-15; Melton C71 (2009) pp.26-28

Several local policies contained very little about heritage in the municipality and therefore failed to provide support for proposed heritage amendments. The Panel recommended that the MSS should be upgraded in association with future amendments and local heritage policies developed to guide the exercise of discretion.

11.5 Bayside C37 and C38 (2004) pp.41-48

Discussion of the degree of rigour required to justify a Heritage Overlay listing. The Panel noted that this was a problem where the studies in question were old and had already been used as the basis for previous Heritage Overlay listings. Issues included the quality / comprehensiveness of the original research, the adequacy of comparative analysis.

11.6 Yarra C85 (2008) pp.37-39

The Panel conducted a quality control exercise to check the consistency of gradings applied in the study. It inspected 162 buildings and found reason to question only four of the gradings (<2.5%). It concluded that this demonstrated a very robust methodology.

11.7 Melton C71 (2009) p.33-35

Discussion of methodology used in the study compared with that recommended in the various advisory documents. The Panel concluded that the study provided a strong basis for the proposed Heritage Overlay listings but had reservations about the criteria being applied. In some cases, places were found to be significant against as many as five criteria, raising questions about whether they were being treated individually or cumulatively. Some places that were found to be of historical significance had not been proposed for listing because they had been altered, which seemed to be confusing the two criteria. The Panel also advised that a new set of guidelines should be prepared to assist the use of the AHC/HERCON criteria at the local level.

11.8 Maroondah C42 (2010) p.37

The Panel pointed out that the studies on which the amendment was based were voluminous but did not contain information on the process by which places were assessed as being of heritage significance (e.g. comparative analysis, thresholds, rules for exclusion/inclusion etc.) or the criteria used.

11.9 Nillumbik C125 Part 2 (2013) pp.11-20

The Panel hearing involved a single property (Part 2 of an amendment for which Part 1 was already approved by the Minister). Submitters raised several questions about inaccuracies in the original Statement of Significance (which Council and its expert acknowledged) and contended that they were so substantial that the whole basis on which it was recommended for listing was called into question and it should therefore be omitted from the Heritage Overlay. The Panel agreed that the changes were significant but determined that the facts about the property that were not in dispute were a sufficient basis for the Heritage Overlay to proposed. The recommendation to list the property was made against the revised citation, because the Panel should arrive at its conclusions using the best available information.

11.10 Latrobe C14 Chapter 4 4 'Adequacy of strategic support in LPPF' pp.21- 25

The Panel found:

The Panel does not fully accept Council's assurances that the strategic context in Amendment C14 had already been incorporated into the MSS via Amendment C62. The planning outcome is an MSS which does not articulate a comprehensive strategy for, and commitment to, heritage protection in the municipality.

11.11 Glenelg C55 Part 1 Chapter 3.4 p.8

MSS provides inadequate strategic support for heritage controls.

11.12 Stonnington C163 pp.13-14

The rigour of assessment for applying the Heritage Overlay to 1920s residential flat buildings was questioned. The Panel found the Thematic and Environment History and the consultant's report provided a solid strategic basis for the amendment but should be updated to reflect further research.

The need for Council to provide documentation on subsequent changes to an exhibited amendment especially the strategic basis for the removal of places is also discussed in the Panel report.

11.13 Melbourne C186 p.15; Campaspe C50 p.56; Moreland C78 p.137

Is there an adequate basis to the proposed controls? For example, is there a relevant heritage study and does it make a clear and succinct argument.

11.14 Melbourne C186 pp.16-17

The essential role of comparative analysis in testing whether the threshold of significance is met. The need for fair comparators.

11.15 Yarra Ranges C89 pp.12-14

Submitter challenged the rigour applied to the methodology in assessing the Lilydale Houses, particularly his property.

11.16 Boroondara C55 p.56

It was argued that members of the local community wanting to protect the place was sufficient justification for applying the Heritage Overlay. Panel comments:

In our opinion, to accept the view that community support ascribes heritage value would be to allow an 'assessment' that would fall well short of the rigorous analysis of heritage significance required by the Practice Note on Applying the Heritage Overlay.

11.17 Port Phillip C132 (2017) p.9

Parties disagreed whether the comparative analysis catchment area should be confined to the suburb or to the broader municipality. The Panel considered it was reasonable to compare the subject place with other examples throughout the municipality.

12 Documenting the background

12.1 Yarra C85 (2008) p.31-39

Various heritage amendments derive from the latest in a long sequence of heritage studies of parts of the same municipality. It is useful (sometimes essential) for the Panel to understand the history of the process by which places have come to be proposed for listing and, where relevant, how the Council has responded to the recommendations of previous Panels.

12.2 Maribyrnong C89 p.9

The amendment proposed to remove an existing Heritage Overlay (HO 124) from a site. As the buildings on this industrial site had already been removed and it was entirely vacant, the Panel recommended the Heritage Overlay be removed.

13 Applying the Heritage Overlay on land identified for growth or acquisition

13.1 Wyndham C209 (2016) pp.19-20 & 33

Precinct Structure Plan

Unlike the Precinct Structure Plan discussed under Melton C100, which was still being prepared, an approved PSP applied to land in Wyndham where the Heritage Overlay was proposed over dry stone walls. The PSP did not take dry stone walls into account, even though they were covered in a background report.

The Panel concluded that failing to consider the walls in the PSP did not necessarily make their retention impractical or applying the Heritage Overlay inappropriate.

A planning permit had been issued to remove some walls and the Panel agreed that these should be deleted from the Amendment. Its earlier recommendation that only A and B classification walls should be included in the Heritage Overlay meant that several other walls on land in this area would also not be listed. The B-graded walls on the land should be retained in the Amendment.

Public Acquisition Overlay

Elsewhere in Wyndham, Council submitted that the Amendment was not intended to apply to land within PSP areas where detailed assessment of and planning for dry stone walls were undertaken during the preparation of the plans. The Panel agreed that the Heritage Overlay should not be applied to dry stone walls in these areas (pp.32).

A submission argued that applying the Heritage Overlay was contrary to orderly planning in circumstances where a Public Acquisition Overlay applied, particularly where the purpose the PAO was to facilitate a project of State importance.

VicRoads considered that the Heritage Overlay was not likely to prevent the delivery of the project for which the PAO was applied. The Panel concluded that there was no inherent conflict between the Heritage Overlay and a PAO. The values the Heritage Overlay sought to protect should be taken into account in the design of the project.

13.2 Yarra C198 (2016) pp8-9

Submitters opposed the Heritage Overlay being applied on the grounds (among others) that it would restrict the development potential of their sites and undermine opportunities to revitalise a nearby commercial strip.

The Panel recognised that applying the Heritage Overlay may significantly affect property owners, particularly in cases where sites are perceived to have development potential. However, it found that no evidence had been provided of any adverse indirect social or economic effects likely to impact on the relevant neighbourhoods or the municipality. It concluded that extending the Heritage Overlay to relatively small additional areas did not have the potential to undermine the revitalisation of the commercial strip.

13.3 Boroondara C178 (2015) pp35-39

A submitter claimed that the urban context of a place was now so unsympathetic, due to large new commercial buildings on adjoining sites, that that it was inappropriate to list the building under the Heritage Overlay.

The Panel decided that the changed urban context did not impact on the place to such an extent that its heritage values could no longer be appreciated.

Regarding the same place, the Minister's delegate had advised that the applying interim heritage controls to the property was 'not consistent with sound, coordinated and integrated planning given that the site is in an Activity Centre that foreshadows new development opportunities'.

The Panel took this to mean that the Heritage Overlay should only be applied to such a place after proper consideration through a Panel process, rather than as a pre-emptive Ministerial action.

13.4 Melton C100 (2015) pp.23-25

Submitters argued that it was not appropriate to apply an HO to dry stone walls on land within the Urban Growth Boundary (UGB) / Urban Growth Zone (UGZ).

The Panel concluded that the UGB simply establishes the boundary within which urban growth can occur and a Precinct Structure Plan (PSP) sets the framework, or ‘blueprint’ for the future development of land within that boundary.

The PSP guidelines require that the design response include a heritage plan as an ‘output’ in a PSP. A post - contact heritage assessment had been completed for the Precinct under discussion. The Panel, therefore, expected that existing dry stone walls would be identified as a landscape feature in that assessment, influencing the design response. Applying the Heritage Overlay to dry stone walls in the area covered by the PSP would inform and not conflict with the process of preparing the PSP.

14 Social and economic matters (and environmental issues) – community level such as conflict with development policies

14.1 Yarra C214 (2017)

As the Panel concluded that the heritage significance of the precinct did not justify applying the Heritage Overlay – the first task in evaluating the issues – it was not necessary to address issues relating to social and economic effects of applying the Heritage Overlay.

14.2 Stonnington C222 (2016)

Mr Morris SC asserted that planning to protect heritage values has been ‘professionalised’ and this is resulting in excessive levels of controls that do not align with community expectations or integrate the range of social and economic objectives. He submitted:

16 Panels considering heritage controls have tended to be dismissive of the notions of property rights, individual freedom and fairness. Panels have also overlooked the costs imposed in relation to compliance with the permit obligations of a HO. A paradigm has emerged whereby these notions and costs are thought to be either irrelevant or unimportant, at least at the stage of imposing a HO.

17 This current paradigm has meant that the bar for inclusion in a Heritage overlay has been set at far too low a level; and that many properties in the Stonnington municipality are now included in a HO.

18 Stepping back, the inclusion of so many properties in a HO is an overreach; it is not a proportionate response; it imposes an unjustified burden on landowners.

The Panel expressed the view:

While the protection of heritage values is for the benefit of the community and members of the community have an important role in uncovering the history of places, as illustrated by the refinement of assessments through this Amendment process, the heritage experts have an important role. The Panel does not share Mr Morris's concerns about the role of heritage experts in the planning system. As the recent Boroondara C174 Panel commented:

The Panel recognises that assessment of heritage significance is not a precise science. It relies on the objective professional judgment that draws on specialist knowledge and a capacity for comparisons based on experience. While it is entirely appropriate for these assessments and refinement of citations to draw on the wealth of information in the community and specific information about properties, expert assessment is very different from a subjective lay view, which, in some cases, may be influenced by a pecuniary interest.

14.3 Stonnington C157 p.8

A submission claimed that removing the Heritage Overlay from some non-contributory buildings on the edges of precincts would make them more vulnerable to redevelopment and thus impinge on the heritage significance of the remaining areas. The Panel noted that the areas in question were covered by Design and Development Overlays that imposed height limits and other restrictions on new built form.

14.4 Yarra C157 and C16 pp.18-25, 80

The Panel was urged to consider the economic effects of applying the Heritage Overlay, particularly on sites that had potential for redevelopment, and to 'balance' heritage significance against the need for urban renewal. The Panel recognised that consideration of potential social and economic effects and balancing of potentially conflicting objectives in the planning scheme was required by the Strategic Assessment Guidelines, but considered that this should be done on a wider basis than an individual site or precinct. It also noted that recent amendments to the *Planning and Environment Act 1987* will provide that social and economic effects 'must' be considered in preparing an amendment and may therefore require a more thorough consideration of these issues in explanatory reports.

14.5 Kingston C26 (2002) p.10, 14-15

The property in question (covered by interim heritage controls) was a large 1880s house, in relatively poor condition, on a very large block adjacent to an activity centre. Advocates put the view that the Panel was bound by section 12(1)(a) of the *Planning and Environment Act 1987* to implement all the objectives of planning in Victoria, not just the one relating to protection of heritage places, that it should balance the range of planning considerations applying to a place and that economic and social effects were relevant to the assessment of whether the Heritage Overlay should be applied. The Panel took the view that the planning scheme had to achieve the balance required and collectively implement all the objectives, rather than any one provision being required to do so.

14.6 Greater Geelong C71 (2004) p.23

The Panel acknowledged the economic implications of Heritage Overlay listing for property owners but held that these must be offset against the benefit to the community from retention of places of heritage significance and their ongoing contribution to the character of the area and the community's understanding of and identification with its past. It recognised the requirements in the Act and the SPPF to protect places of heritage significance and noted that social and economic impacts, as well as heritage values, would be considered in making decisions on future development of properties.

14.7 Yarra C85 (2008) pp.169-171

The Panel considered that the Explanatory Report, in relation to Melbourne 2030 objectives, should have include a discussion about how an appropriate balance would be achieved by the level of heritage protection sought by the revised heritage policy and the need to provide opportunities for substantial numbers of new dwellings in established urban areas. It also recognised that the impacts on some individual owners might be negative. However, it agreed with Council that overall, the amendment was likely to result in a net community benefit.

14.8 Melton C71 (2009) p.45

Submissions claimed that Heritage Overlay listing was inappropriate as the area was, or shortly would be, within the urban growth boundary for Melbourne. The Panel noted that the Growth Areas Authority supported the amendment. It also pointed out that other permit triggers applied or would apply to many proposed developments. Planning authorities would need to weigh up the relative importance of protecting a place for its heritage values versus its desired role in meeting the objectives of any other planning provisions that apply.

14.9 Maroondah C42 (2010) pp.58-60

Submissions argued that the Heritage Overlay should not be applied to potential redevelopment sites, including those in or adjacent to activity centres. The Panel concluded that the Heritage Overlay should be applied to those places that met the threshold of significance and alternative objectives for the site or area should be considered at the permit stage. It also commented that the Heritage Overlay areas proposed for Maroondah were small compared with many other municipalities and would be unlikely to impact on development opportunities overall.

14.10 Boroondara C149 Chapter 3.1 (i) 'Potential conflict with economic objectives' p.19

Economic and heritage objectives have been well balanced and considered in the parallel strategies Kew Junction Structure Plan and Kew Junction Heritage Precinct.

14.11 Boroondara C150 Chapter 3.1.1 'Potential conflict with housing diversity objectives' pp.10-11

Time to resolve socio-economic issues is when a permit is applied for – can be balanced – some growth will still be allowed. Nevertheless, Council had

considered housing targets and redevelopment opportunities would exist in the proposed heritage areas.

14.12 Whitehorse C140 pp.19-21, pp.69-75

Minister's Authorisation for exhibition of the *Whitehorse Planning Scheme – Areas of Change Policy and the Heritage Overlay* was conditional on three sites within the Box Hill CAD being excluded from the 'minimal change area' as '*it is not considered appropriate to restrict development further by designating additional minimal change areas within the Box Hill CAD.*'

Council requested the Panel's direction on the implication of the Minister's authorisation condition. The Panel recommended that the sites be included in a minimum change area as follows:

Minimal change areas be applied to places protected by the Heritage Overlay to reflect their heritage qualities. The proposed amendment to the Overview Clause 21.06 be deleted to ensure consistency with the heritage objectives of the SPPF, MSS and local policy in the Planning Scheme.

14.13 Greater Shepparton C103 pp.19-22. See also Campaspe C50 pp.58-69

Consideration of request to remove Heritage Overlay from the Alexander Miller Homes involved the argument that this would make greater funds available for social housing by enabling unencumbered sale of the property. Panel holds that this lies outside relevant matters as Act was then written. Panel likens applying the Heritage Overlay to applying other overlays where trade-offs do not play a role and no prohibition of development applies. Also notes there is no known redevelopment proposal to be weighed against the heritage loss.

14.14 Boroondara C99 pp.12-16

Consideration of conflicts of proposed heritage overlays with Glenferrie Road Structure Planning. Strong statements that listing is not the time to consider such matters (under the Act as then drafted) but in any case, the Council had integrated heritage into the structure planning process.

14.15 Moreland C149 general discussion of new legislation pp.9-12.

Consideration of public economic impacts of the Heritage Overlay in Lygon Street. Council did turn its mind to this issue but only in a general way and Panel holds that the more detailed submissions on this issue needed to be addressed.

14.16 Melbourne C186 pp.30-36

Extensive discussion of economic considerations under former drafting of the Act.

14.17 Melbourne C207 pp.17-27

See also Supreme Court decision: *Dustday Investments Pty Ltd v Minister for Planning and Melbourne City Council* [2015] VSC 101 for a review of this decision.

Extensive discussion of economic and social considerations in the context of the current legislation (post October 2013). It includes that the economic matters to be relevant must be of a public nature; a discussion about what is meant by '*in preparing a planning scheme or amendment*'; a discussion of the role of the Panel

v the Council; how to balance the various effects; and dealing with the presumption against demolition.

14.18 Whitehorse C157 Chapter 4.2.3 p.18

The Panel criticised Council's failure to address social and economic issues adequately or in accordance with the Practice Note. The Panel had asked for a more detailed assessment in view of the clearly competing land use policies for four strategically important individual sites that were the subject of submissions and were at that stage known to be employing legal or professional representation and expert witnesses at the hearing. Council made no attempt to balance competing objectives or to demonstrate 'net community benefit' in favour of heritage protection.

14.19 Moorabool C6 pp.8-18

Advocates for the owners of a large former factory complex, now an industrial park, argued that the Panel should consider the economic effects of applying the Heritage Overlay, particularly in an area where land zoned Industrial 2 was a scarce resource. The Panel recognised the challenges involved in facilitating reuse of former industrial sites and the planning provisions that identified the land as providing an important economic opportunity for the locality. However, it did not believe, on the information available, that there was no opportunity to reuse the significant buildings and recommended that they should be added to the Heritage Overlay.

14.20 Whitehorse C164 pp.11-13, 17 and 23-24

At the hearing the Panel was advised that economic considerations (which the PA must now consider) was not an issue the Council needed to consider at the amendment stage.

15 Social and economic matters (and environmental issues) – individual building level such as cost burden to owners, conflicts with ESD works

15.1 Stonnington C135 pp.18-19

Discussion of whether potential impacts on a business operating from a building proposed for Heritage Overlay listing are relevant considerations. The Panel concluded that the impacts would be dependent on changes proposed in future and the responsible authority's decisions in relation to them. It was not a matter that could be known at the time and was not relevant to the assessment of the heritage significance of the place.

15.2 Stonnington C157 p.4

Submitters claimed that they would be severely affected by the Heritage Overlay being applied to their commercial building. The Panel concluded that the impact on individual owners was not relevant in determining the heritage significance of the place, and that the latter was the major consideration when applying the Heritage Overlay.

15.3 Greater Geelong C49 (2004) pp.44-45

The owner (a religious institution) submitted that applying the Heritage Overlay would prevent redevelopment of the site to better serve its members' needs. The Panel took the view that the principal consideration in applying the Heritage Overlay is whether the place reaches the threshold for local heritage significance and questions of the potential of the land for other uses and the social and economic effects should be considered at a later stage of the planning process.

15.4 Greater Geelong C49 (2004) pp.44-45; Maroondah C42 (2005) pp.53-56; Brimbank C125 Part 2 (2011) pp.26-27

Property owners submitted that a Heritage Overlay would be onerous and unfair because they would seek and pay for permits for renovations and might not be able to alter houses to make them more environmentally sustainable. Council pointed out that many minor works did not need permits, internal alterations were seldom controls, heritage advisory services and low interest loan scheme (or other assistance scheme, such as rate rebates or direct grants) constituted benefits to owners and in some municipalities fees were not charged for residential development works worth less than \$10,000. The Panels generally supported Council's view.

15.5 Ballarat C107 (2009) p.42

Submissions claimed that applying the Heritage Overlay to precincts would make it difficult to upgrade properties for modern living, stifle innovation and impede the ability of Ballarat to accommodate new development. The Panel noted that controls were not proposed on internal alterations and that the accompanying policies provided for changes to heritage properties and demolition and replacement of those assessed as 'not of heritage significance'. It did, however, note the extent of Heritage Overlay precincts across Ballarat and commented that if this was seen in future as impeding desirable development, Council could alter the planning scheme to reduce the extent of precincts or vary the controls within them.

15.6 Latrobe C14 Chapter 3.2.1 (iv) 'Economic and personal factors' pp.17-19

Personal circumstances may apply only at permit stage. 'The so-called two-stage process also underlines the proposition that heritage assets (unlike some other aspects of planning) are often irreplaceable and it is important that neither the Planning and Environment Act 1987 nor the Latrobe Planning Scheme envisage their loss based on personal preference or desire in a continually changing economic or financial environment'. Reasonable standard of proof of hardship would be required.

15.7 Boroondara C150 Chapter 3.1 (iv) 'Burden and cost of applying for permits' p.15

Not relevant at this stage. '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 ... At the level of net community benefit ... there is overwhelming support for applying the Heritage Overlay'.

15.8 Campaspe C50 p.50

To what extent should individual building level costs be a concern to Panels.

15.9 Yarra Ranges C89 pp. 17-22

Individual submitters raised the issue of cost and ability to redevelop their properties if the Heritage Overlay was applied.

15.10 Surf Coast C50 pp.14-15

Management of heritage places is a two-stage process involving identification of the heritage significance of the place and the later on-going management of the place having regard to issues such as economics of building retention and repair, reasonable current day use requirements, balancing competing policies.

15.11 Buloke C14 pp.25-26

Panel identifies and dismisses confusion by some submitters that would be required to undertake repairs etc.

15.12 Moreland C149 pp.7-9

Consideration of private economic impacts in context of revisions to the Act in October 2013. Panel says that private financial costs are not relevant. Relies upon Melbourne C207 report.

15.13 Moonee Valley C142 and C143 (2014) p.19

Amendment C143 was based on a thematic heritage study that recommended protecting all the Ascot Vale Housing estate. Council, however, resolved only to exhibit the Heritage Overlay on part of the estate. This was undertaken at the Council meeting, and reasons were scant. The Panel agreed that Council appeared to have taken a pragmatic approach that applying the overlay to the entire estate was too onerous, so sought to confine the listing to a representative example of the estate that comprises the elements of greatest significance. (The Council also resolved not to proceed with exhibition of several sites on private land – because the controls would be too economically onerous on owners – there was inference in Council submission that this was the basis to the reduced listing on the Department of Human Services land).

DHS opposed the listing of part of the reduced exhibited area, saying a representative sample was found in a smaller area and it was unnecessarily onerous to cover all proposed areas.

The Panel did not seek to assess the DHS submission on economic grounds as was partly suggested by DHS. The Panel however, acknowledged that because Council had already reduced the area, it had reduced the basis of significance on which the listing was made. The Panel then determined that a small part of the listing could be removed as it was now isolated from the main listed area and therefore had reduced significance.

16 Impact on property rights, land values and insurance costs

16.1 Yarra C157 and C163 pp.24-25

The Panel supported the view that an owner opposing the Heritage Overlay, on the grounds of impediments to development, costs or impact on property prices did not constitute a reason to exclude the place, provided its heritage significance had been shown to meet the appropriate threshold.

16.2 Greater Geelong C49 (2004) pp.44-45

The property owners submitted that the Heritage Overlay would be unfair because their property value would be likely to decrease, and other similar properties were not proposed for heritage controls. Council pointed out that research showed that heritage listings in Geelong generally improved the value of properties. The Panel noted that, while the effect of Heritage Overlay listing could vary with circumstances, it was not a consideration that should be considered when determining whether the place was of heritage significance and therefore should have the Heritage Overlay applied.

16.3 Greater Geelong C71 (2004) pp.12-13

This Panel involved a single dwelling on three lots, where a major redevelopment was proposed. Interim heritage controls had been applied and Council sought to apply a permanent Heritage Overlay. The owners submitted that denial of the ability to redevelop the property would cause them substantial losses (including through loss of property value) and the costs to maintain the building would be unreasonable. The Panel accepted both these contentions but held that the key issue at the amendment stage was the heritage significance of the property, and other matters such as competing policy settings, hardship for owners etc. should be considered when a planning application was considered.

16.4 Whitehorse C74 Part 2 (2008) pp.24-25

Submitters contended that placing heritage controls on private properties infringed the rights of owners, that they would be unfairly restricted in what they could do to their houses or might be required to undertake expensive repairs or renovations. The Panel responded that the process of applying the Heritage Overlay was undertaken in accordance with the requirements of the Act and the planning scheme, that owners could not be compelled to undertake repairs, and that many minor repairs or changes (e.g. painting previously painted surfaces, internal alterations, tree removal) would not require a permit. It also noted Council's heritage advisory service and small grants scheme to assist owners of heritage places.

16.5 Ballarat C107 (2009) p.40; Melton C71 (2009) p.45; Nillumbik C125 Part 2 (2013) pp.7-8

Submissions claimed that applying the Heritage Overlay would devalue their properties. The Panels did not regard this a relevant consideration when applying the Heritage Overlay. The Panel commented that evidence about the effect of Heritage Overlay listing on property prices was contradictory. The Ballarat Panel noted but there was some consensus that precinct listings assisted in maintaining

value, as they gave purchasers a level of certainty about how much change could occur in the neighbourhood.

16.6 Campaspe C50

Panel holds that in principle objections should be set aside. Heritage controls are part of the long-established planning system and objectors also draw benefit from restrictions on others.

16.7 Boroondara C148 p.11

Owner / submitter referred to effect of Heritage Overlay on his property value and ability to extend the existing building. These matters are discussed and found not to be determinative.

16.8 Boroondara C150 p.16 Section (vi) ‘Infringement of property rights’

The Panel commented:

So far as infringement of property rights is concerned, the Panel would comment that applying the Heritage Overlay, is but one of numerous components of the long established and accepted practice in Victoria of regulating land use and development by statutory planning schemes. Planning schemes in turn are simply an element of the diverse legislative framework that regulates how land is used, including by home owners. Provided that public notice and consideration of owners’ views occurs, the scheme requirements can be said to be fairly applied.

16.9 Buloke C14 pp.17-21

Incursion into private property rights raised by submitters. Panel rejects this in extensive discussion about the nature of planning and that not all works would be controlled.

16.10 Mildura C79 p.7

Decommissioned and derelict assets of rural water authority in Mallee.

The Panel appreciates that the management of decommissioned industrial infrastructure assets in remote locations is a challenge, both from the perspective of the owner of the assets (in this case [Grampians Wimmera Mallee Water Corporation](#) (GWM Water)) and the value of the assets to the community (i.e. heritage). Some of this infrastructure is in poor condition and it is simply impractical for many of the sites containing the asset to be made secure and/or safe. Consequently, some of these sites present as significant risks to GWM Water as a corporate entity and that is a genuine matter for concern.

Including the decommissioned assets in the Heritage Overlay would result in GWM Water having to apply for a planning permit for works to a place, including its removal (tantamount to ‘demolition’). Whilst some works could be exempted through an Incorporated Plan, this would not include the removal of an asset. The Heritage Overlay would not prevent GWM Water from applying for a permit to remove the asset for reasons of risk management, but there is no assurance that this would be approved ...

The Panel concludes that GWM Water’s concerns about the future management of its decommissioned assets under the Heritage Overlay are genuine. The assets are generally in poor condition and some have already been compromised because of being decommissioned. Many of the assets are in isolated locations therefore securing the sites from a risk management perspective is impractical. For these reasons and notwithstanding that the local heritage significance of the assets has been established, the Panel supports GWM Water’s assets being excluded. In the absence of the Heritage Overlay, GWM Water should, before removing an asset, make every effort to investigate the feasibility of transferring it to another party. GWM Water, in consultation with Council, should also provide an appropriate information board at the site of any asset removed.

17 Role of existing permits

17.1 Boroondara C150 Chapter 3.1 (vi) ‘Infringement of property rights’ p.17

Panel comments:

... the application of the Heritage Overlay ... is but one component of the long established and accepted practice in Victoria of regulating land use and development by statutory planning schemes. Planning schemes in turn are simply an element of the diverse legislative framework that regulates how land is used, including by home owners. Provided that public notice and consideration of owners’ views occurs, the scheme requirements can be said to be fairly applied.

... individual owners, while they are subject to planning restrictions on the use and development of their property, are, at the same time, benefitted by restrictions on the use and development of land by others.

17.2 Stonnington C167 pp.6-7

This issue is discussed in relation to the implications for an existing permit for a property on the boundary of a precinct Heritage Overlay abutting a Principal Activity Centre. The Panel found that the local heritage significance of the place was the fundamental consideration.

17.3 Melbourne C186 pp.36-39

Should existing permits (for demolition) preclude the Heritage Overlay being applied to a place? Panel says not, as the permit may not be acted upon.

17.4 Boroondara C148 p.14

Planning permits existed for two redevelopment proposals in the area to which the Heritage Overlay was to apply. At the time of the Panel hearing, the non-contributory building on one site had been demolished. The other permit, issued by VCAT, required the front eight metres of the three existing contributory buildings to be retained and allowed the non-contributory buildings to be demolished.

18 Condition vs intactness

18.1 Melton C100 (2015) p.19

Submissions and evidence expressed opposing views about the relevance of condition in assessing the heritage significance of dry stone walls.

The Panel considered that the distinction between condition and integrity / intactness is important. If a wall had been partially removed or substantially altered it was likely have reduced heritage qualities, compared with a wall that was still in situ but may have damaged sections or places where rocks have fallen from the wall onto the adjoining land. The Panel concluded that condition in itself is not a determinant of heritage significance. If a place could be shown to be of at least local significance against an established heritage criterion, it was appropriate for listing under the Heritage Overlay, even if it was not in original or good condition.

18.2 Whitehorse C74 Part 2 (2008) p.21, pp.29-30; Melton C71 (2009) pp.41-44, 101-105, 115-118

Several Panel reports distinguish between condition and intactness: a place may be quite run-down but still be substantially intact and retain its heritage values. Being in poor condition does not of itself disqualify a place from being listed on the Heritage Overlay, whereas lack of intactness may do so (depending on the heritage criterion that applies). The Melton Panel recommended that reference to condition should be removed from Statements of Significance, except where acknowledgement of the current condition was necessary to aid future heritage management of the place. It also found that one property proposed for listing was so deteriorated / altered that very little historical fabric would be able to be salvaged and recommended that it be deleted from the amendment, as better examples of the historical event to which it was linked were included in the amendment. The Melton Panel also recommended listing of a fire-damaged early hotel building on the grounds that it still retained its historical and archaeological significance.

18.3 Moreland C149 pp.12-13

Condition said not generally to be relevant at listing stage. Exceptions identified: where is a high certainty that would be demolished, or the extent of reparation would destroy the integrity of the building. Melbourne C207 followed.

18.4 Nillumbik C100 p.7

Discussion of the circumstances in which the condition of a place may be relevant to determining whether the Heritage Overlay should be applied. The building's maintenance had been neglected for many years and its condition had deteriorated significantly during the proposal to apply the Heritage Overlay, due to the actions of the owner and vandalism. The Panel concluded that the building could be repaired at a reasonable (though not insubstantial) cost so that it was capable of economic reuse and that the repairs would not require removal of heritage components to the extent that it would no longer represent its original

form or fabric (The Panel found subsequently that the building did not meet the threshold for local heritage significance).

19 Required level of significance of places in a precinct v individual places

19.1 Yarra C214 (2017)

Evidence and submissions considered that the credibility of the proposed precinct was undermined by the shifting Council position and assessments regarding the precinct and the significance of properties for inclusion in it. The Panel adopted the view:

While gaps studies have a legitimate role to re-evaluate heritage significance and may identify properties that have been overlooked for some reason or take into account changes in the appreciation of the heritage values of types of places. This has occurred in Melbourne in relation to post-war or industrial buildings, for example, since early heritage studies were undertaken. In this case, however, Yarra has a record of recognising the heritage value of industrial buildings since the 1980's and multiple heritage experts have looked at this particular area in detail very recently, without identifying 1-9 Doonside Street as individually significant, either in its own right or as part of earlier versions of a Doonside Precinct.

The Panel endorsed the view expressed by Mr Lovell in evidence that over the years the threshold for protection of heritage values has progressively dropped and this debases the integrity of controls:

The Panel agrees with his view that 'lowering the bar' undermines the recognition of places with important heritage value that should be retained in three dimensions and leads to debate about how development should be accommodated, which can result in retention of facades and not much else.

19.2 Kingston C26 (2002) pp.21-22

Various advocates and submitters have claimed that applying the Heritage Overlay to an individual property elevates it above a similar property included in a precinct and makes it less likely that Councils or VCAT will issue a permit for demolition or substantial change. While not necessarily accepting this argument, the Panel reiterated that the Heritage Overlay should be applied based on whether the place reaches the threshold for heritage significance.

19.3 Whitehorse C74 Part 2 (2008) p.39

Discussion of the degree of detail and substantiation required for individual listing vs inclusion in a precinct. The Panel agreed that more detail was needed for each property proposed for individual listing compared with a precinct, where the significance generally lies in the assemblage of buildings and other components.

19.4 Boroondara C149 Chapter 3.1 (ii) 'Citations for significant buildings within precincts' page 13

Boroondara's new Heritage Policy states that sites graded as 'significant' within precincts have the same status as individually listed sites. However, the precinct Citations sometimes do not even mention a significant site, and provide no

heritage basis for their significant grading. Precinct Citations should identify significant sites and include a brief Statement of Significance for each one.

Boroondara C150 Chapter 3.1 (ii) 'Treatment of 'significant' buildings within precincts' p.11.

20 Gradings of significance

20.1 Stonnington C222 (2016)

The Panel considered letter gradings for significant places should not be perpetuated because differentiating significant places in that way is contrary to current practice, opens up unnecessary debate and is not helpful in administering the Heritage Overlay.

20.2 Boroondara C101 p.16

Should there be a standard grading system for levels of significance.

20.3 Boroondara C99 pp.18-21

Council grading system of having 'significant to the precinct' as well as contributory and non-contributory questioned.

20.4 Melbourne C240 pp.17-21

Discouragement by Panel to the use of gradings. Said to expose lower graded buildings to successful applications for demolition.

20.5 Melbourne C240 p.45

The Panel discouraged the use of gradings in the context of determining contribution to a precinct. For example, strictly applying the A and B grading according to their definitions in the Melbourne Planning Scheme do not refer to the relationship of the building to the local area at all. That is not to say that a building cannot be important in a State or regional context and a local area, but the criteria to apply A and B gradings do not fit in a precinct context.

21 Public vs privately owned buildings

21.1 Bayside C37 and C38 (2004) pp.27-40, 49-55

The Panel dealt at length with the criteria used in the heritage studies covering different areas of Bayside and found that the A-C (or F in some cases) gradings ran the risk of conflating heritage significance, degrees of alteration and condition and made it very difficult to evaluate places that were not significant for their architectural values. The Panel recommended using the AHC criteria instead and redrafting the Statements of Significance. It also recommended that Heritage Victoria should prepare a guidance document relating to thresholds for local significance against these criteria.

21.2 Boroondara C66 (2008) pp.42-63

The amendment proposed to list a schedule of gradings of buildings in precincts as a reference document; it would supersede the gradings applied in the original heritage studies. The Panel agreed that the gradings of a small number of places

should be changed (generally as recommended by Council’s heritage adviser). It also considered that the schedule of gradings should be an incorporated document rather than a reference document, but recommended that this should not be actioned immediately, as it had not been included in the exhibited proposals and changes to the Heritage Overlay and its guidance documents were likely because of the 2007 Advisory Committee *Report on heritage provisions in planning schemes*.

21.3 Yarra C85 (2008) pp.157-158

The Statements of Significance stated that all individually significant places, whether they were from the primary period of significance of the precinct, were contributory within the precinct and some other quite altered buildings from later periods were also listed as contributory. The Panel recommended some changes to the demolition provisions in the policy to address this issue. The schedule of gradings omitted VHR places, but Council eventually proposed to include them. The Panel agreed.

21.4 Buloke C14 p.16

Submitters said that only publicly owned buildings should be included in Heritage Overlays and not private property. Panel says both public and private places reflect the history of an area.

21.5 Moonee Valley C142 and C143 p.19

The issue raised, though not directly, whether there was a difference between public and private property, but how to manage buildings managed by the Department of Human Services (DHS) as public housing. Amendment C143 sought to protect a broad area of the Ascot Vale Housing estate. The listing was reduced by Council partly in acknowledgement of management issues. Council and DHS supported an incorporated plan to exempt specific works. This was supported by the Panel in principle, but no incorporated plan was presented or assessed.

21.6 Baw Baw C86 and C90 (2012) p45

The (then) Department of Sustainability and Environment sought to remove the exhibited Heritage Overlay from the Drouin West Mechanics Institute on public land as they wished to demolish the building and sell the land. The Panel accepted the heritage experts’ opinion that the hall has local heritage significance and recommended it be retained as exhibited.

22 Historical associations with individuals and groups

22.1 Bayside C37 and C38 (2004) pp.96-102

The Heritage Overlay was proposed for a house based on association with a famous family of artists. The Heritage Council, supported by several experts, had previously determined that it was of local (rather than State significance). At the hearing, an alternative view was put that the place did not merit Heritage Overlay listing because it was not occupied by the owners during their most productive artistic period and its fabric did not demonstrate any legacy from those owners. The Panel determined that the place was of local significance because of the

association with the family, but also made some comments about how applications to change the property might be dealt with in future.

22.2 Boroondara C99 pp. 37-39

The issue was whether the grading of a substantial double-storey Edwardian era house should be graded as significant or contributory to the Glenferrie Road Commercial Precinct. In recommending that the place be graded as significant, the Panel discussed the weight to be given in ascribing historic value to a place by association with an individual in local heritage precincts. The Panel determined that association with an individual can be given weight in considering the heritage listing of a place within precincts. The Panel also commented that the ‘great man in history’ is perhaps an outdated approach to historic significance.

22.3 Melbourne C186 pp.29-30

Does an historical association necessarily lead to the need for the Heritage Overlay? Historical association with an individual and representation in the building fabric may not be useful approach at local level of significance.

22.4 Boroondara C148 p.15

In requesting change from ‘contributory’ to ‘significant’ grading, a local community group referred to the contribution of a building to the early social development of the area.

22.5 Whitehorse C157 pp.79, 83 and 84

Panel recommended Criterion A be deleted from three sites where the only evidence was that the house was one of the first houses built on a particular (large) subdivision.

Panel recommended Criterion H be deleted from a site where there was no evidence of the person’s direct association with the site.

22.6 Surf Coast C50 pp.26-27

Historical association with family active in Anglesea found to be insufficient to afford significance and no link between the basis of their importance and the characteristics of the building.

22.7 Southern Grampians C6 pp.26-27

Applying the Heritage Overlay to an Aboriginal burial site and surrounds.

22.8 Southern Grampians C6 pp.38-39

Applying the Heritage Overlay to the degraded waterhole with trees depicted in Louis Buvelot’s painting ‘Waterpool at Coleraine’.

23 Humble vs grand and unique v modified

23.1 Stonnington C249 (2017)

The Panel heard submissions and evidence as to whether a Victorian residential building was a unique example or a modified version of a common Victorian building. The Panel found that the building was a modified and there were many

better examples in the municipality and recommended that the Heritage Overlay not be applied. This was consistent with the recommendation of a previous Panel.

23.2 Yarra C157 and C163 pp.77-81

Submitters argued that small groups of local shops should not be identified as heritage precincts because there were already other much larger, more elaborate examples of nineteenth century shopping strips identified in the Heritage Overlay. The Panel found that this did not mean it was inappropriate to apply a Heritage Overlay to another commercial area, providing it met the threshold for local significance.

23.3 Melton C71 (2009) p.34

The Panel commented on the nature of the built fabric in a formerly rural municipality that had relatively poor soils and sparse settlement. As a result, the properties proposed for listing were often quite simple structures with no outstanding design qualities. The Panel concluded that the Statements of Significance for these places related them effectively to key themes in the environmental history and assessed them against appropriate criteria.

23.4 Monash L51 Chapter 3.2 ‘Heritage value’ pp.15-16

Heritage is not solely the province of wealthy individuals and institutions with the means to commission the grandest buildings of their day. Heritage also belongs to ordinary people and the buildings in which they lived and worked. A row of simple miners’ cottages tells us as much about our mining history as the mine-owner’s mansion, and has a parallel heritage value’.

‘These were not homes built for the wealthy - they are modest weatherboard houses, consciously presenting a brave face to the world in the form of a more substantial brick verandah. In their original form they had two or three bedrooms at most, simple kitchen and bathroom facilities, and a back yard shared by the kids, the washing line, the dog, the shed, the lemon tree and perhaps a few chooks. They were the inter-war version of the great suburban dream, tailored to a modest income. The heritage value of the most intact of these streets lies in their very clear expression of the aspirations of that time’.

23.5 Boroondara C142 pp.22-25

A related issue was important when considering inclusion of the Yarra Boulevard Precinct in the Boroondara Planning Scheme. The inclusion of post war modern buildings in a Heritage Overlay was opposed by some residents who did not regard post war and modernist housing as being of heritage significance.

On the issue of inclusion of ‘non-strictly modernist houses of both the interwar and post-1960s period’ in the precinct, the Panel recommended that reference should be made to these in the Statement of Significance.

23.6 Buloke C14 pp.15-16; Moreland C78 p.111 (precinct 15)

Submitters objected to the Heritage Overlay being applied to railway houses as they were viewed as ‘slum dwellings’. Panel supports including humble places in the Heritage Overlay just as much as grand places.

24 Interiors

24.1 Boroondara C119 pp.21-23.

Brief discussion of the impacts of heritage listing of churches on the ability of owners to adapt them to current requirements, including modern forms of worship. The Panel pointed out that none of the churches that was subject to submissions was proposed to have internal controls and noted the provision in the Heritage Overlay head clause that does not require a permit for alterations required for liturgical purposes.

24.2 Maroondah C42 Supplementary report (2010) p.16

Internal alteration controls were proposed for parts of a large church complex. The Panel found that they were justified based on the Statement of Significance, but also noted the provision in the head clause of the Heritage Overlay that no permit was required to alter the inside of a church for liturgical purposes. It encouraged the church authorities to commission a conservation management plan for the complex, that could act as a basis for an incorporated plan.

24.3 Melton C71 (2009) pp.87-88

The Panel agreed with Council's proposal to add internal alteration controls on a part of a property (now a house) that consisted of an early chapel-like room with a ceiling that was said to have been imported from England by the original owners.

24.4 Whitehorse C74 Part 2 (2008) pp.54-57

Various houses by the same designer-builder, proposed for Heritage Overlay listing, have significant internal features as well as similar external design characteristics. The standard Heritage Victoria brief for local heritage studies does not require internal inspection, so internal alteration controls are usually only applied to 'semi-public' buildings such as churches. One owner suggested that internal controls should be applied to the original parts of his property, raising the question about whether this should not also apply to others in the group. The Panel report recommended applying internal alteration controls to the relevant property and, as opportunities arose, to inspect the interiors of other properties in the group. It accepted that the threshold for internal controls was higher than that for listing under the Heritage Overlay, but did not accept that the Heritage Overlay should be restricted to areas visible from the public realm.

24.5 Melbourne C186 pp. 24–28

Should interiors be included in Heritage Overlays? The need for a systematic study rather than opportunistic listing is discussed.

24.6 Melbourne C207 pp.29–31

Clarification of misinterpretation of Melbourne C186 comments on interiors. There can be individual interiors that clearly meet the threshold of significance without extensive study.

24.7 Whitehorse C157 Chapter 4.2.5 p.20

The Panel was critical that no interiors were assessed, especially in publicly accessible buildings where the interiors were described in detail in the Citation.

24.8 Moonee Valley C142 and C143 (2014) pp.12-13

A question was raised as to whether internal controls were needed to protect an individually significant building where part of its façade formed the rear, internal wall of a newer building that had been constructed in front of it.

The Panel formed the view that if a wall (that was an external wall to the significant place) has no current external façade, it could be considered an internal wall under the planning scheme and therefore exempt from permit requirements unless specifically listed.

The Panel therefore recommended that internal alterations should apply to the site to avoid any debate or confusion as to whether the façade walls of the hall can be amended or not without a planning permit. However, it recommended the listing of internal alterations in the table be limited to only internal walls that form party walls to the place of significance, through notation in the schedule table. This was seen as similar to the way that tree controls are confined to particular trees.

25 Heritage policy

25.1 Yarra C198 (2016) pp.10-11

The Yarra C85 and C157/163 Panels had recommended that amendments to the heritage policy (clause 22.02) were needed to make provide more appropriate guidance for industrial, commercial and retail places and other complex sites. Council advised that work was underway to update a range of policies in the Yarra Planning Scheme, including the heritage policy.

The Panel recommended that this work should be completed and incorporated in the planning scheme.

26 The role of the expert witness

26.1 Yarra C214 (2017)

Submissions advocated the approach adopted by VCAT in *Zig Inge Station Street Pty Ltd v Boroondara CC* (Zig Inge Station Street Case) that the “*perspective of the common person*”, rather than as a purely academic exercise with the assessment of significance focussed on nuanced styles and concealed detail of interest only to heritage experts. The Panel rejected this argument, commenting:

The Panel is not convinced that the “Clapham omnibus” test - which has applied in civil actions where defendant’s conduct was compared to that of a reasonably educated and intelligent but ordinary person - is appropriate for the assessment of whether heritage values should be protected.

The protection of cultural heritage is for the benefit of the community, may be informed by the community and should contribute to the current and future

communities' understanding of our past. In the case of a heritage precinct, the importance of legibility from the perspective of a lay person may be greater than where a place is individually significant as a result of architectural or scientific importance. However, applying the following PPNO1 criteria for heritage assessments to justify the HO draws on specific knowledge and a capacity to evaluate the relative significance of a building, place or object that is likely to be beyond the capability of the 'ordinary' person ...

26.2 Boroondara C178 (2015) pp.15-15, 38 & 41

Submitters claimed that since Council's expert witnesses were the authors of the heritage study on which the Amendment was based, they were not truly independent. It was asserted that a peer review of the evidence should have been commissioned.

The Panel concluded that it is normal practice for panels to hear expert evidence from the consultants that have carried out studies that form the basis of an amendment. Peer reviews are generally only required when the studies relied on are old and/or the people who undertook the study are unavailable. In this case, where most of the subject properties had been identified and documented in earlier studies, the 'gaps' work was effectively a re - evaluation of the original findings and citations.

26.3 Campaspe C50 pp.41-44

What is the proper role of an expert? The Panel commented:

While this is not the proper role of an independent expert, it is not unusual in panel proceedings of this kind, for the expert called by a planning authority to have been intimately involved in the strategic work leading to the amendment. The expert's evidence in those circumstances can take on a complexion of advocacy. This is recognised by panels and the evidence treated accordingly. It should be said, however, that the earlier involvement of the expert in the amendment process normally allows the expert to give more factually informed answers about how the amendment was prepared than would an independent witness brought in only for the Hearing. There are trade-offs to be considered in assessing the value of evidence to be presented by the two types of witness.

26.4 Greater Geelong C205 pp.63-64

Regarding the historic Barwon Grange, the evidence of the National Trust witnesses was significant in the context of possible high density residential development surrounding the Grange.

26.5 Surf Coast C50 pp.24-25

Fairness issues around changed position by Planning Authority concerning significance of building not signalled in advance of hearing and not reflected in expert witness report.

26.6 Baw C86 and C90 (2012) p43

Council accepted submissions that the exhibited Heritage Overlay should be removed from Kraft 'Flat top' dwellings in Drouin as it could impact their condition, but the Panel accepted the expert evidence of Mr Helms that the Heritage Overlay should remain as the heritage values exist.

26.7 Whitehorse C157 p.53

Two submitters argued that Council's expert witness was not independent because he is also Council's Heritage Adviser and was 'advocating' on behalf of Council.

27 Use of incorporated plan/documents vs the Heritage Overlay schedule or reference document

27.1 Wyndham C209 (2016) .35

The proposed changes to the heritage policy in the planning scheme included an objective that sought to ensure that applications were assessed against the guidelines set out in the Dry Stone Walls Study. The Panel concluded that this was not appropriate, given that the Study was only proposed as a reference document, as it was inconsistent with Planning Practice Note 13 – Incorporated and Reference Documents. Instead, it suggested that additional decision guidelines from the Study should be added to the policy.

27.2 Corangamite C3 (July 2006), pp.26-29

Use of an incorporated plan to exempt normal farming operations from needing a permit. The idea of the plan was supported by the owners, so the Panel decided that, once developed (by Council in consultation with Heritage Victoria and the owners) it could be incorporated without needing further exhibition.

27.3 Southern Grampians C6 pp.34 -35

Use of incorporated plan to provide permit exemptions for management of arboretum supported by Panel.

28 Costs of administering Heritage Overlays

28.1 Brimbank C125 Part 2 (2011) p.22 and 41

The Panel recommended that the administrative burden on Council could be reduced by preparing an incorporated plan that reduced the permit requirements for sites identified as 'not contributory' in a precinct.

29 Other

29.1 Stonnington C132 (2017) pp.11-12

Concealment of additions

The Panel considered a policy suggesting 'concealment' of new development should be clarified in commercial and residential areas where built form provisions provide for development at significant scale. The Panel was not in a

position to identify specific locations where ‘concealment’ of new development is not a realistic expectation and could not recommend specific policy guidance to address these circumstances.

Heritage building adaptation

The Panel found that heritage protection does not preclude adaptation to meet current expectations, although protecting heritage values will often affect the form and extent of changes. State planning policy supports adaptive reuse of heritage buildings, and the Proposed Policy explicitly encourages the inclusion of services such as solar panels, water tanks, solar hot water systems that support the sustainability of heritage places.

29.2 Stonnington C222 (2016)

Mr Morris QC argued that the Heritage Overlay is beyond power for reason that extends to the *Victorian Charter of Human Rights and Responsibilities Act 2006*. There is no basis in the *Planning and Environment Act 1987* to control a range of matters that the Heritage Overlay purports to control, including the installation of domestic services normal to a dwelling, internal controls, and maintenance or repairs. The Panel addressed the issues, which have been raised in the past by lay submitters:

The Panel notes that the Charter recognises there may be restrictions in relation to property, provided they are in accordance with the law, stating

A person must not be deprived of his or her property other than in accordance with law (emphasis added).

While the Panel is not aware of challenges to the legal validity of the HO, which operates throughout Victoria, it does not propose to make a finding on whether the HO is lawful.

Firstly, the Panel does not include members who are qualified in the law and, in any event, rulings on points of law are the responsibility of others. A challenge to the lawfulness of the HO should be directed elsewhere.

Secondly, s25(3) of the Act provides that a panel must not make a recommendation that an amendment be adopted with changes to the terms of any State standard provision, although s25A does allow a panel to recommend to the Minister that an amendment be prepared to the Victoria Planning Provisions.

Thirdly, any recommendations relating to changes to a Victoria Planning Provision, such as the HO, would require much broader consideration and opportunities for those who may be affected to present their views.

29.3 Yarra C157 and C163 pp.31-34

Discussion of the appropriate application of the ‘prohibited uses’ provision in the Heritage Overlay. The Panel recommended that Council should consider applying the provision more widely, particularly to redundant industrial buildings and other complex sites, where this might facilitate adaptive reuse that would generate funds for conservation of heritage values. It recommended that the provision be

applied to a site, as part of a future amendment (to allow neighbours and others with an interest in the area to comment).

29.4 Yarra C157 and C163 pp.15 and 79

Status of other strategic planning documents that identify alternative futures for land proposed for inclusion in a Heritage Overlay. In this case, a structure plan for a major activity centre and a business and industrial land strategy had been prepared for land areas affected by the proposed Heritage Overlay. The Panel noted that although adopted by Council, these studies were not listed in the planning scheme as reference documents and their recommendations had not been embodied in the scheme. It therefore found that they were of a lower status than an exhibited amendment. It commented that the structure plan appeared to have ignored the existing heritage designations in the activity centre.

29.5 Glen Eira C19 (2002) p.16; Bayside C37 and C38 (2004) pp.205-209

Should the assessment of significance be based on the significance of a place to a municipality or a smaller group of suburbs or localities within it? (This was particularly relevant post-amalgamation of local governments, since the old Heritage Guidelines suggested the municipality as a base for assessment). Panels have held that smaller groupings of suburbs / localities with a similar development history or rural towns and their hinterlands are the appropriate basis for assessment, rather than the whole of a (potentially very large) Council area.

29.6 Maroondah C42 (2010) p.38-52

The original heritage study recommended two large precincts. Council decided to use the Neighbourhood Character Overlay for these areas instead of the Heritage Overlay. The Panel decided that the NCO was appropriate for conserving some aspects of the heritage significance (subdivision patterns, trees) but should be used in conjunction with the Heritage Overlay if protection of existing built fabric was sought.

29.7 Manningham C71 (2008) pp.18-19

Issues relating to the 'prohibited uses may be permitted' provisions of the Heritage Overlay. In this case, the land within the Heritage Overlay was in an Urban Floodway Zone, so the range of possible uses that might be approved was defined in a local policy.

29.8 Boroondara C66 (2008) pp.22-41; Yarra C85 (2008) pp.40-86

Issues relating to the form, content and expression of local heritage policies. The Boroondara Panel concluded that the proposed policy was generally consistent with the guidance provided but that some of the language should be amended to make it less prescriptive and more performance oriented. The Yarra Panel also recommended detailed changes to wording to increase clarity and make it clear that Council would continue to exercise discretion. It also recommended more distinction in policy between the treatment of individually significant and contributory places.

29.9 Corangamite C3 (July 2006) pp.32-33

Use of the SLO supported – with an additional objective relating to heritage and an additional decision guideline referring to any applicable heritage study or historical research – for natural features that also have cultural heritage significance. The Panel considered that, as the areas in question were Crown land without significant heritage fabric, use of the SLO was appropriate.

29.10 Corangamite C3 (July 2006) pp.26-29; Melton C71 (2009) pp.35-41, 78-81, 89-95

Issues related to inclusion of historic or archaeological places in Heritage Overlays, where fabric is absent or is wholly or mostly below ground and its exact location is not known. The Corangamite Panel recommended that the whole area (original township settlement site) should be mapped and an incorporated plan applied. The Melton Panel discussed the issue at length, in the light of the recommendations of the 2007 Advisory Committee *Report on heritage provisions in planning schemes*. It concluded that there was substantial support in the SPPF and the Planning Practice Note on applying the heritage overlay for the inclusion of historic and archaeological sites under the Heritage Overlay. It recommended incorporated plans for several sites (in one case after preparation of a conservation management plan), to provide for ongoing farming operations.

29.11 Greater Geelong C49 (2004) pp.104-105

The issue related to whether sites identified in local heritage studies as being of State significance should be automatically accepted for nomination for the Victorian Heritage Register and assessed by Heritage Victoria, rather than requiring a separate process. The Panel considered that the requirement to prepare a detailed nomination in a different form was wasteful of time and money and confusing to stakeholders. It recommended development of an integrated process.

29.12 Greater Geelong C205 pp.63-68

Barwon Grange lies within Heritage Overlay (HO108) and is listed in the Victorian Heritage Register (H1102). It was recommended by the Panel that as the site lay adjacent to Precinct 4, where high density residential development is supported (2-5 storeys), given the visual impact of such buildings, lower levels should be located closest to the Barwon River escarpment with higher levels to the north.

29.13 Mornington Peninsula Advisory Committee pp.22-26

Consideration was given by the Advisory Committee for the requirement of a Cultural Heritage Management Plan (CHMP). A significant issue was the amount of existing ground disturbance. Considering this, it was recommended that a CHMP was not required.

29.14 Southern Grampians C6 p.19 and p.22; and Greater Shepparton C110 p.9

The inability of the Panel (due to costs) to survey remote properties in a rural shire which are being used for comparative purposes to establish whether another property passes the threshold of significance.

Similar approach to not inspecting the large number of individual listings in Greater Shepparton which were not in contention; the Panel inspects only places in contention, all precincts and all properties proposed to be deleted from Heritage Overlay.

29.15 Greater Shepparton C110 section 3.2 pp.32-35

Effect of applying the Heritage Overlay to land used by Broadcast Australia and the relationship of planning scheme provisions to exemptions under section 24 of the *National Transmission Sale Act 1998*. Benefit of having controls in place if land were to be sold.

29.16 Boroondara C55 pp. 41-43

The need for heritage controls being available to protect heritage plantings that are not trees. Issue arose in relation to a Mock Privet (*Phillyrea Latifolia*) on the embankment to Camberwell Railway Station.

29.17 Boroondara C99 pp.21-25

VicRoads objected to applying the Heritage Overlay to its roads on the basis that it would be required to apply for permits even for minor works. Panel considers this is not the case and refers to Clause 62 exemptions. The Panel adopts the earlier analysis of this issue in Buloke C14.

29.18 Nillumbik C100 pp.13-28

Use of the Heritage Council's 'Criteria and Thresholds Guidelines' (2014) (adapted to the local level) to determine whether a place is of local significance against the HERCON criteria. Two expert witnesses, using the thresholds document, came to different conclusions about the significance of a place. The Panel, applying the threshold tests, agreed with one expert that the place did not achieve the required level for local significance.

29.19 Whitehorse C164 pp.3 and 8-11

When this Amendment was exhibited, the Explanatory Report stated that the amendment was guided by two studies one of which was the 'Post-1945 Heritage Study (preliminary draft)', which recommended the Heritage Overlay be applied to the individual site and precinct in the amendment.

When the representative for the owner of the individual site requested a copy of that study before the Panel hearing he was advised that it was a confidential report yet to be considered by the Council and therefore would not be provided. At the hearing, the Panel was advised it could be given a full copy, but any submitter would not.

In the end, a heavily 'doctored' copy was provided to the Panel and submitter (with sections not relating to the areas being considered removed) which was not particularly helpful to the Panel. The Statement of Significance prepared for these properties were of course available.

29.20 Stonnington C181 pp.5-6 and 8

An existing Heritage Overlay was applied to a property and over the area in front of the eight properties (to the kerb line) to recognise the significance of mature Plane Trees in the nature strip that were identified in the heritage study. While these trees were considered to be of local significance it was not proposed to apply the schedule's tree controls 'trigger'. One submitter opposed the Heritage Overlay being applied 'over the trees', as discussed at length at the hearing.

The Heritage Overlay has now been applied to the property, and to the Council land adjoining the Precinct, on the Heritage Overlay map; and the street trees (*Plantanus* species only) have been listed in the 'Tree Controls Apply?' column of the Schedule, as in Recommendation 1(a) of the Panel report.

29.21 Stockyard Hill Wind Farm (PCI) (2010) PPV 84 Section 11.4

Several proposed turbines were recommended to be removed from a section of the windfarm to protect the central view from the Guilfoyle-designed garden of the adjoining VHR-listed Mawallok property. The Panel found:

This view is not just any view from the Mawallok garden, as Mr Raworth said, but is: 'a fundamental design consideration in the generation of an important garden by an important designer'.

This approach not followed for another nearby heritage property where the garden design was of lesser significance.

29.22 Glenelg C55 Part 1 (2013) p14

A significant man-made landscape feature (windfarm) in the viewscape of a heritage property was said to diminish the heritage values of the place. Unlike Mawallok (Stockyard Hill Windfarm), the landscape context was not a significant element of the citation and the Panel did not accept the arguments.

29.23 Melbourne C240 pp.148-149

Should the DDO seek to achieve heritage objectives?

The Heritage Overlay might be said to alone be adequate to guide the form and detail of new buildings adjacent to contributory buildings in a wider precinct. However, the Panel found that, notwithstanding this level of control in a precinct Heritage Overlay, guided as it is by the Statement of Significance and the policy framework in the Scheme, it may be beneficial to layer the Heritage Overlay with another planning tool which sharpens the understanding of, and places parameters around, acceptable design outcomes.

The general decision guidelines of the DDO make it clear that seeking to achieve development outcomes consistent with heritage characteristics of a place would not fall outside the proper use of a DDO. The Panel also observed that VPP tools other than the Heritage Overlay (and the DDO) have been used to support heritage objectives, such as the Significant Landscape Overlay.

30 Planning Panels Victoria Heritage Reports 2001-2018

Planning Panels Victoria reports listed below had heritage as the primary focus or as a significant consideration. The list was updated at 30 March 2018.

Amendment	Summary	Date of Report
Ballarat C35 Part A	Include a Heritage Overlay for 9 Hamilton Avenue, Ballarat	30 April 2001
Ballarat C58	Replace interim heritage controls that apply to land in Ballarat, Learmonth and Buninyong with heritage precincts	23 January 2004
Ballarat C107	Introduce permanent heritage controls for precincts recommended by the Ballarat Heritage Precincts Study Part A, July 2006	13 August 2009
Ballarat C191 and Permit Application PLP/2014/829	Remove the Heritage Overlay (HO176) and rezone land in St Pauls Way, Bakery Hill from part Public Use 5 and part Commercial 1 to Mixed Use to allow for the mixed-use development of the site	12 November 2015
Ballarat C200	Update the existing Heritage Overlays for 5 sites HO142 - HO145 and HO194 and introduce new Heritage Overlays for: <ul style="list-style-type: none"> • 22 individual listings for HO197 - HO218 • 4 precincts for HO219 - HO222; and • 3 serial listings for HO223 - HO225 to implement the recommendations of the Sebastopol Heritage Study Stage 2 and the City of Ballarat Heritage Assessments: Sebastopol 2013 reports.	13 September 2016
Banyule C1	Introduction of either a Design and Development, Heritage, Vegetation Protection or Significant Landscape Overlays to a large number of properties	2 August 2000
Banyule C23 Part 2	Modify the boundaries of the Heritage Overlay that applies to 30 & 32 Old Lower Plenty Road and 652 Lower Plenty Road, Viewbank	29 October 2002
Banyule C94 Part 2	Apply a Heritage Overlay to: <ul style="list-style-type: none"> the Kenilworth Parade Precinct at 17 – 23 and 10 – 36 Kenilworth Parade, Ivanhoe (HO195); and the Saxam Homestead at 108 – 130 Diamond Creek Road, Greensborough 	11 June 2014
Bass Coast C2 Part 2	Introduce a Heritage Overlay for ‘Yooroonga’ at 34-35 Stradbroke Avenue, Cowes (plus 2 other unrelated proposals)	18 April 2001
Bass Coast C26 Part 2	Introduce Heritage Overlays to sites identified in the Councils 2005 Heritage Study	8 January 2008
Bass Coast C64 Part 2	Apply Heritage Overlays to properties in Almurta, Archies Creek, Bass, Blackwood Forest, Burndale, Cape Paterson, Cowes, Dalyston, Dudley South, Glen Forbes, Grantville., Inverloch, Krowera, Loch., Phillip Island, Rhyll, San Remo, Wonthaggi and Woodleigh.	8 January 2008
Baw C86	apply a Heritage Overlay, the Design and Development Overlay and the Environmental Audit Overlay and rezone to a number of properties to implement the recommendations of the town strategies for Drouin and Warragul	5 September 2012
Baw Baw C90	revise and apply the Heritage Overlay to a number of sites to implement the recommendations of the Baw Baw Heritage Study.	5 September 2012

Amendment	Summary	Date of Report
Bayside C29 Part 2	Remove interim Heritage Overlays for a number of sites in Brighton and Hampton	28 January 2004
Bayside C37 & C38	Apply permanent Heritage Overlays to properties and precincts denoted as having an interim heritage Overlay	23 December 2004
Bayside C75	Apply and delete Heritage Overlays for sites in Brighton, Brighton East, Beaumaris, Black Rock, Cheltenham, Hampton and Sandringham	2 March 2010
Bayside C76	Implement the recommendations of the Bayside Review of Heritage Precincts Study 2008	2 March 2010
Bayside C82	apply a Heritage Overlay to: the Bay Street Precinct at 241 – 427 and 270 – 380 Bay Street, Brighton (HO747) the Hampton Street Precinct at 251 – 415 and 358 – 448 Hampton Street, Hampton (HO748) the Martin Street Precinct at 117 – 173 and 126D – 168 Martin Street, Brighton (HO749) the Former St Luke’s Church at 389 Bay Street, Brighton (HO750) 455 Bay Street, Brighton (HO751) 39 Sandringham Road, Sandringham (HO752) 1 Fernhill Road North, Sandringham (HO753) identified as having heritage significance within the <i>City of Bayside Review of Heritage Precincts in Activity Centres (March 2007, revised June 2010)</i> and <i>Bayside Individual Citations (April 2007)</i> .”	25 July 2012
Bayside C87	Apply a Heritage Overlay (HO764) to the Brighton Town Hall Heritage Precinct	8 April 2013
Berwick L139 Part C, Cranbourne L122 Part C and Knox L171	Introduce Heritage Overlays to 29 sites throughout the City of Casey	3 March 1999
Boroondara C148	apply a Heritage Overlay (HO532) to the Union Road Commercial Heritage Precinct at 94 – 165 Union Road and 376 – 386 and 631 Canterbury Road, Surrey Hills	28 August 2012
Boroondara L35	Introduce a Heritage Overlay for 24 sites	24 April 1998
Boroondara L42	Introduce a Heritage Overlay for the ‘Reid Estate and Environs’ area bounded by Whitehorse Road, Mont Albert Road, Salisbury Street and Barnsbury Road, Balwyn	19 November 1998
Boroondara L45	Introduce a Heritage Overlay for the ‘Maling Road Shopping Centre and Residential Environs’ area bounded by Canterbury Road, Prospect Hill Road, Highfield Street and Milton Street, Canterbury	18 December 1998
Boroondara L54	Introduce a Heritage Overlay for the following areas: - Fairview Avenue, Burwood Goodwin Street and Somerset Road, Glen Eira Great Glen Iris Railway Junction Estate and Environs, Ashburton Holyrood Estate and Environs, Camberwell Ross Street, Surrey Hills Toorak Estate and Environs, Glen Iris	25 February 1999
Boroondara L56	Introduce a Heritage Overlay for the ‘Riverside Estate and Environs’ area bounded by Bulleen Road, Doncaster Road, Burke Road and The Boulevard, North Balwyn	3 March 2000

Amendment	Summary	Date of Report
Boroondara C8	Include 27 Glenroy Street, Hawthorn in a Heritage Overlay	3 November 2000
Boroondara C12	Remove a Heritage Overlay from 6 Narveno Court, Hawthorn	17 November 2000
Boroondara C42	Apply a Heritage Overlay to: 168A Mont Albert Road, Canterbury; 1245 Bourke Road, Kew; and 6 Mont Albert Road, Canterbury	7 April 2005
Boroondara C55	Apply a Heritage Overlay to Camberwell Railway Station at 2R Cookson Street, Camberwell	22 January 2007
Boroondara C64	Apply a Heritage Overlay to sites in Ashburton, Balwyn, Balwyn North, Canterbury, Camberwell, Hawthorn, Hawthorn East, Glen Iris, Kew, Kew East and Surrey Hills.	23 December 2008
Boroondara C66	Introduce a revised Heritage Policy	7 April 2008
Boroondara C98	Implement the recommendations of the Assessment of the Burwood Road Heritage Precinct, Hawthorn (August 2008)	23 December 2011
Boroondara C99	Apply heritage Overlays to implement the recommendation of the Hawthorn Heritage Precincts Study (2010)	7 February 2012
Boroondara C101	Apply Heritage Overlays to: the Melbourne and Metropolitan Tram Board depot at 160 – 170 Camberwell Road and 12 – 14 Council Street, Hawthorn East (HO497); the Charing Cross Buildings at 202 – 210 Camberwell Road, Hawthorn East (HO498); the Pepperell’s Buildings at 217 – 223 Camberwell Road, Hawthorn East (HO499); the Simpson’s Building at 222 – 232 Camberwell Road (481 – 491 Riversdale Road), Hawthorn East (HO500); the Masonic Centre at 12 Prospect Hill Road, Camberwell (HO501); the Baptist Church at 432 Riversdale Road, Hawthorn East (HO502); the Dillon’s Building at 493 – 503 Riversdale Road (554 – 564 Burke Road), Camberwell (HO503); the Melbourne and Metropolitan Tram Board substation at 30 Station Street, Camberwell (HO504); the Burke Road North Commercial and Transport Precinct, Camberwell (HO505); and the Camberwell Civic and Community Precinct, Camberwell (HO506); to implement the recommendations of the Camberwell Junction Heritage Review (2008, revised 2009).	16 November 2012
Boroondara C116	Apply a Heritage Overlay to 629 Canterbury Road, Surrey Hills	31 October 2011
Boroondara C119	Apply a Heritage Overlay to 1311 Toorak Road, Camberwell	13 October 2011

Amendment	Summary	Date of Report
Boroondara C142	<p>Apply a Heritage Overlay to:</p> <ul style="list-style-type: none"> • the Clutha Estate Precinct (HO525) in Kew; the Denmark Street Precinct (HO526) in Kew; the High Street South Residential Precinct (HO527) in Kew; the Howard Street Precinct (HO528) in Kew; • the Queen Street Precinct (HO529) in Kew; and the Yarra Boulevard Precinct (HO530) in Kew. <p>Amend the boundary of the Barry Street Precinct (HO143) in Kew; and</p> <p>Remove site specific Heritage Overlays that currently apply to 33 properties affected by the above precincts.</p>	30 November 2012
Boroondara C149	<p>Apply permanent heritage controls to:</p> <p>Extend the Barry Street Precinct in Kew (HO143); Extend the Glenferrie Road Precinct in Kew (HO150); The High Street – Cotham Road Commercial Precinct in Kew (HO520); 114 High Street, Kew (HO521); 14 – 16 Princess Street, Kew (HO522); The Alexandra Gardens at 70 Cotham Road, Kew (HO523)</p> <p>to implement the recommendations of the Kew Junction Commercial Heritage Study, August 2011.</p>	3 May 2013
Boroondara C150	<p>Apply a Heritage Overlay to:</p> <p>the Union Road Residential Precinct (HO534) for Union Road between Guildford Road and Whitehorse Road, Surrey Hills</p> <p>the Surrey Hills North Residential Precinct (HO535) for part of Chatham Road, Croydon Road, Empress Road, Guildford Road, Junction Road, Kingston Road, Mont Albert Road, Robinson Road, Sir Garnet Road, West Road and Sunbury Crescent, in Canterbury and Surrey Hills; and</p> <p>the Canterbury Hill Estate Precinct (HO536) for part of Albert Street, Compton Street, Hocknell Street, Queen Street, Highfield Road, Prospect Hill Road, Riversdale Road and Wattle Valley Road, in Camberwell, Canterbury and Surrey Hills.</p>	31 July 2013
Boroondara C153	<p>Upgrade the Gradings and Gradings definitions and apply a Heritage Overlay to:</p> <ul style="list-style-type: none"> • HO541: 378 Burwood Road, Hawthorn; HO542: 605-607 Glenferrie Road, Hawthorn; HO543: 773-779 Glenferrie Road, Hawthorn • HO544: 781-783 Glenferrie Road, Hawthorn; HO545: 18 Wattle Road, Hawthorn; HO546: 78 Wattle Road, Hawthorn; HO547: 55-75 Barkers Road, Kew; HO548: 18 Eglinton Street, Kew; HO549: 51 Fellows Street, Kew; HO551: 57 Fellows Street, Kew; HO552: 2 High Street, Kew; HO553: 50 High Street, Kew; HO554: 409 High Street, Kew; HO555: 31 Pakington Street, Kew; HO556: 110 Princess Street, Kew; HO557: 16 Redmond Street, Kew; HO558: 37 Walpole Street, Kew; HO559: 53 Walpole Street, Kew; HO560: 85 Wills Street, Kew; HO561: 3 Rochester Road, Canterbury; HO562: 29 Rosslyn Street, Hawthorn East; HO563: 52 Fellows Street, Kew. 	24 October 2013

Amendment	Summary	Date of Report
Boroondara C177	<p>Introduce a Heritage Overlay to:</p> <ul style="list-style-type: none"> • Surrey Gardens, 88-90 Union Road, Surrey Hills (HO623) • Former Surrey College, 17-19A Barton Street, Surrey Hills (HO624) • Former St Joseph’s Boys Home, 19 Middlesex Road, Surrey Hills (HO625) • Holy Redeemer Church Parish Hill, 305-307 Mont Albert Road, Surrey Hills (HO626) • 1 Montrose Street, Surrey Hills (HO627) • Wycliff Congregational Church, 2 - 4 Norfolk Road, Surrey Hills (HO628) • Kylemore Flats, 52 Union Road, Surrey Hills (HO629) • 26 Weybridge Street, Surrey Hills (HO630) • 627 Whitehorse Road, Surrey Hills (HO631) • Le Mascotte, 5 Windsor Crescent, Surrey Hills (HO632) • Surrey Hills English Counties Residential Precinct (HO633) • Surrey Hills Redvers Street Residential Precinct (HO634) • Union Road South Residential Precinct (HO635) <p>to implement the recommendations of the Surrey Hills South Residential Precincts Heritage Study 2014</p>	<p>Report 28 July 2016</p> <p>Addendum Report 27 October 2016</p>
Boroondara C178	<p>Apply the Heritage Overlays to 18 properties (HO588 - HO604 and HO607) in Camberwell, Canterbury, Deepdene, Hawthorn, Hawthorn East, Kew and Kew East and amend the Heritage Overlay (HO20) that applies to 1045 Burke Road, Hawthorn East by applying tree controls and fence and outbuilding notice requirements.</p>	19 May 2015
Boroondara C183	<p>Apply Heritage Overlay (HO608) to twelve buildings within Scotch College at 491 Glenferrie Road, Hawthorn</p>	23 May 2016
Boroondara C208	<p>Apply Heritage Overlays to:</p> <ul style="list-style-type: none"> • 15 Deepdene Road, Deepdene (HO605) • 46 Rowland Street, Kew (HO613) • 16 Victoria Avenue, Canterbury (HO614) • 203 Doncaster Road, Balwyn North (HO616) • 23-25 and part of 27 Canterbury Road, Camberwell (HO617) • 29 and 31 Parkhill Road, Kew (HO619) • 7 Leura Grove, Hawthorn East (HO620) 	5 October 2015
Boroondara C236	<p>Apply the Heritage Overlay to:</p> <ul style="list-style-type: none"> • 2 Barkers Road, Hawthorn (HO642) • the Fairmount Park Estate Precinct (HO643) for land in Barkers Road, Elm Street, Findon Street, Myrtle Street and Oka Street, Hawthorn • 2 - 8 Pine Street, Hawthorn (as part of the Pine Street Precinct (HO644)) • 29 - 39 Mason Street, Hawthorn (as part of the Mason Street Precinct (HO645)) • land in Calvin Street, Creswick Street and Mason Street, Hawthorn (as part of the Creswick Estate Precinct (HO646)) • 4 Grattan Street, Hawthorn (HO647) <p>to implement the recommendations of the Neighbourhood Character Precinct 24 Heritage Precinct prepared by Context Pty Ltd in April 2015</p>	31 August 2016

Amendment	Summary	Date of Report
Boroondara C243	Apply the Heritage Overlay to: <ul style="list-style-type: none"> • 9 Auburn Road, Hawthorn East (HO665); • 68 Riversdale Road, Hawthorn (HO667); • 123 Riversdale Road, Hawthorn (HO668); and • 14 Sevenoaks Street, Balwyn (HO669). 	22 August 2017
Brimbank C84	<ul style="list-style-type: none"> • Introduce Heritage Overlays for 112 new heritage places and 8 new precincts, • introduce a new local Heritage Policy, • changes the prohibited use provisions of some sites; and • introduce the Keilor Cemetery Incorporated Plan. as described in the Brimbank City Council Post-contact Cultural Heritage Study.	21 September 2007
Brimbank C125 Part 2	Apply permanent heritage controls to part of the former McKay Residential Estate in Albion / Sunshine	15 April 2011
Brimbank C130	Remove the former Headlie Taylor House, later the Sunshine Boys' Hostel at 129-131 Durham Road, Sunshine from Heritage Precinct HO23 and include it in Heritage Overlay HO151	21 July 2016
Buloke C14	Delete / introduce Heritage Overlays in Birchip, Charlton, Donald and Wycheproof	Interim Report 21 July 2011 Final Report 29 February 2012
Campaspe C50	Introduce a new local heritage policy and apply a Heritage Overlay to 111 sites; 6 precincts, refine 5 heritage precincts as identified in the Campaspe Shire Heritage GAP Study and introduce the 'Shire of Campaspe Heritage Precincts Incorporated Plan', and a set of Business Signage Guidelines for the Echuca Port and Central Rushworth.	17 July 2013
Campaspe C101	Apply or revise Heritage Overlays to 113 sites comprising 101 new places, 6 new precincts and 6 existing precincts across the municipality	11 January 2016
Cardinia C161	Introduce and apply Significant Landscape Overlay 7 to one property and amend and apply the Heritage Overlay to 74 sites and Precincts to implement the recommendations of the Cardinia Local Heritage Study May 2011	24 September 2012
Cardinia C162	Apply Heritage Overlays to 29 sites of significant trees and a hedge as recommended in the <i>Cardinia Shire Council Significant Tree Study May 2009 – Volume 1 and 2</i> .	29 September 2014
Casey C32	Amend the Heritage Overlay for 4/234 Hallam North Road, Lysterfield	23 December 2002
Casey C80 Part 2	Introduce permanent heritage controls for 11 sites across the municipality that are currently covered by interim heritage controls	17 January 2007
Colac Otway C27	Apply Heritage Overlays to 243 places and 17 precincts as identified in the Colac Otway Heritage Study 2003	27 August 2007
Corangamite C3	Add/remove a Heritage Overlay to a total of 212 sites as recommended by the Camperdown Heritage Study	17 July 2006

Amendment	Summary	Date of Report
Corangamite C36	Apply Heritage Overlays to 10 precincts and 76 individual places to implement the recommendations of Stage 2 of the Corangamite Heritage Study, 2013.	15 August 2014
Darebin Advisory Committee	Heritage significance of the Northcote Bowl Site at 166 – 174 Victoria Road, Northcote	14 April 2010
Darebin C31	Inclusion of areas and sites across the municipality in Heritage Overlays	18 July 2002
Darebin C37	Heritage overlay for 66 Spring Street, Preston	24 June 2003
Darebin C58 Part B	Apply a Heritage Overlay to the Northcote Pottery Complex at 85a Clyde Street, Thornbury	13 December 2004
Darebin C86	Apply a Heritage Overlay to the dwelling, dairy and stables at 71 Queen Street, Reservoir	23 May 2008
Darebin C108 Part A	Apply a Heritage Overlay to 109 sites and 17 precincts across the municipality	28 December 2011
Discussion Paper	Heritage issues - summary of Panel Reports.	Version 1 9 June 2015
Frankston C28	Introduce a Heritage Overlay for a Moreton Bay Fig at 138 Cranbourne – Frankston Road, Frankston	30 January 2004
Frankston C53	Apply permanent Heritage Overlay to 11 sites in Frankston	Panel Report 16 June 2010 Supplementary Report 12 January 2011
Frankston C110 Part 2	Apply the Heritage Overlay to: <ul style="list-style-type: none"> • A house at 8 Harcourt Avenue, Frankston South (HO68) • A house at 8 Karina Street, Frankston South (HO70) • The former State Bank Staff College at 83-99 Stotts Lane, Frankston South (HO74) • The Woodleigh School at 485 Golf Links Road, Langwarrin South (HO77) 	27 November 2015
Glen Eira L33	Heritage Overlays for 22 properties / sites	24 December 1999
Glen Eira C13	Introduce a Heritage Overlay for the 'Bruce Court and Environs area' for land in Bruce Court and Parkside Street, Elsternwick	19 December 2001
Glen Eira C19	Introduce a Heritage Overlay for 64 sites across the municipality as identified in the Glen Eira Heritage Management Plan	28 August 2002
Glen Eira C83	Remove the Heritage Overlay from 466 Hawthorn Road and 2A and 2B Sea View Street, Caulfield South	31 August 2011
Glen Eira C113	Apply Heritage Overlays to: <ul style="list-style-type: none"> • 1 – 15 Kambrook Road and 53 – 89 Normanby Road, Caulfield North • 20 Kambrook Road, Caulfield North • 107 - 119 Normanby Road, Caulfield North and 760 – 764 Inkerman Road, Caulfield North • 4 Urandaline Grove, Caulfield 	29 July 2014

Amendment	Summary	Date of Report
Glen Eira C149	Include the <i>“Glen Eira Review of Existing Heritage Precincts 2017”</i> as a reference document to update the heritage policies to provide more detailed objectives, policies and performance measures	16 January 2018
Glenelg C18	Remove a heritage Overlay and apply a Public Acquisition Overlay to allow the Cliff Street overpass to join up with Wellington Road, Portland	27 June 2005
Glenelg C55 Part 1	Apply Heritage Overlays to 87 places across the municipality to implement the findings of the Glenelg Shire Heritage Study Stage 2	16 May 2013
Golden Plains C55	Introduce the recommendations of the Golden Plains Shire Heritage Study Stage Two (2009)	6 December 2010
Greater Bendigo C63	Amend the Heritage Overlay controls that apply to the Eaglehawk and White Hills cemeteries	10 January 2006
Greater Bendigo C144	Apply a permanent Heritage Overlay to the cottage at 68 9 Chum Street, Golden Square	6 April 2011
Greater Bendigo C162 Part 2	Apply the Heritage Overlay to: <ul style="list-style-type: none"> • Flagstaff Hill Service Basin at 328 Staley Street, California Gully (HO328); • Symbester House at 19 Symbester Crescent, Eaglehawk (HO367); • Butcher shop at 138 High Street, Kangaroo Flat (HO509) • ‘Woodville’ at 2 Olympic Parade, Kangaroo Flat (HO521); and • Stone culverts within High Street, Axedale (HO853) to implement the recommendations of the Heritage Policy Citations Review, 2011.	3 December 2012
Greater Bendigo C189	Apply a Heritage Overlay to: <ul style="list-style-type: none"> • red brick stables at 52 Edward Street, Bendigo (HO859); • a dwelling at 27 Pallett Street, Golden Square (HO860); and • a dwelling / office at 72 Queen Street, Bendigo (HO861). 	10 October 2013
Greater Bendigo C201	Revise the local Heritage Policy and amend the Schedule to the Heritage Overlay to introduce a new permit exemptions incorporated plan implementing the recommendations of the White Hills and East Bendigo Heritage Study, 2014 including 23 new places within the Heritage Overlay.	16 July 2015
Greater Bendigo C203	Apply a Heritage Overlay (HO865) to 4 ha of Residential 1 zoned land at 384-386 Napier Street, White Hills.	16 April 2014
Greater Bendigo C223	Apply Heritage Overlays to: <ul style="list-style-type: none"> • 5 new heritage precincts (Bridge Street North (HO893), Buller Street (HO894), Norfolk Street (HO895), Gleeson Street (HO896), White Hills & Hamlet (HO897) • 2 existing heritage precincts (Baxter Street (HO2) and Tomlins Street (HO14) • 16 individual sites (HO898 - HO914) and • 3 miners cottages (HO999) to implement the White Hills and East Bendigo Heritage Study – Stage 2, 2016.	19 September 2017

Amendment	Summary	Date of Report
Greater Dandenong C31 Part 3	Apply a Heritage Overlay to: <ul style="list-style-type: none"> The Keysborough State School site at 1700 Chapel Street Dandenong Primary School site at 186 Foster Street The Ranges and Garden at 17-19 MacPherson Street and 86 – 88 Clow Street, Dandenong Ordish House at 27 MacPherson Street, Dandenong Sherwood Lodge at 109 – 117 Perry Road, Keysborough 	15 February 2005
Greater Geelong C49	Introduce Heritage Overlays for 98 sites and introduce local policies for three areas	11 March 2004
Greater Geelong C71	Apply a Heritage Overlay for the 'Broome Cottage' at 1 – 5 The Avenue, Ocean Grove	24 March 2003
Greater Geelong C89	Introduce a Heritage Overlay to 150 sites and 4 precincts in Belmont and new Local Policies for the Evans, Kardinia, Mt Pleasant and Wimmera Heritage Areas.	24 May 2006
Greater Geelong C190	Introduce permanent Heritage controls for various areas / precincts and sites listed in the Newtown Heritage Study Vol 3.	31 March 2011
Greater Geelong C291 and Permit Application 112/2013	Delete Heritage Overlay 1630 (HO1630) and rezone 137 – 139 Melbourne Road, Rippleside from Residential 1 to Business 4 (Commercial 2) to allow the site to be used for motor vehicle, boat or caravan sales	24 December 2013
Greater Geelong C316	Apply the Heritage Overlay to 27 sites in Anakie, Lara, Little River and Lovely Banks as recommended in the Lara Heritage Review 2013	13 April 2016
Greater Geelong C341	Apply the Heritage Overlay (HO1989) over the Vietnam Veterans Avenue of Honour, memorial and Osborne House gates in Melbourne Road, North Geelong	2 December 2016
Greater Geelong C354	Apply the Heritage Overlay (HO1989) over the house and cypress tree at 9 Bridge Road, Barwon Heads.	4 April 2017
Greater Geelong C365	<ul style="list-style-type: none"> delete Heritage Overlays HO181, HO205 and HO1242 apply Heritage Overlay HO1990 and HO2001 - HO2007 to implement the findings of the Newtown West Heritage Area Review 2016. 	18 September 2017
Greater Shepparton C50	Introduce heritage controls to 147 buildings and 2 precincts identified in the Greater Shepparton Heritage Study Stage 2.	20 January 2006
Greater Shepparton C110	Amend, remove and delete the Heritage Overlay to the properties identified in the Shepparton Heritage Study Stage IIB	29 April 2013
Greater Shepparton C143	Correct spelling errors and inaccurately identified addresses for 56 entries in the Schedule to the Heritage Overlay	14 August 2015
Hepburn C15	Correct errors to 687 sites and precincts in the Schedule to the Heritage Overlay and apply the Heritage Overlay to 20 new sites and one precinct	5 April 2006
Heritage Provisions Review Advisory Committee	Review the Heritage Overlay and related aspects of the Victoria Planning Provisions	Consultation Paper 14 March 2007 Final Report 16 August 2007

Amendment	Summary	Date of Report
Hobsons Bay C17 Part A	Introduce Heritage Overlays for 70 sites and precincts in Altona, Laverton and Newport	14 February 2003
Hobsons Bay C17 Part B	Introduce a Heritage Overlay for 86 The Avenue, Spotswood	6 January 2003
Hobsons Bay C34 Parts 1 and 2	Implement the recommendations of the City of Williamstown Conservation Study review (now part of the Hobsons Bay Heritage Study)	13 April 2004
Hobsons Bay C99	Apply the Heritage Overlay (HO317) to the former Nugget Factory at 16-20 Kanowna Street, Williamstown.	26 September 2014
Hume C19 Part 2	Deletion of the Heritage Overlay for properties in The Avenue, Sunbury	14 November 2003
Hume C55 Part 2	Apply a Heritage Overlay to 37 sites in Campbellfield, Greenvale, Keilor, Mickleham, Oaklands Junction, Somerton, Sunbury, Westmeadows and Yuroke.	12 July 2005
Indigo C10	<ul style="list-style-type: none"> • insert a new (replacement) Heritage clause • introduce a new Local Policy for heritage places in the heritage Overlay • introduce a new Local Policy for advertising signage • incorporate a new Heritage Overlay schedule • and apply a Heritage Overlay 503 sites as recommended in Stage 2 of the Indigo Shire Heritage Study (2002), and properties included in the extension or application of 5 heritage precincts. 	17 July 2007
Kingston L48	Introduce a Heritage Overlay for the Mayfield Homestead at 282 Lower Dandenong Road, Mordialloc	23 February 2000
Kingston C26	Introduce a Heritage Overlay for 5 High Street, Mordialloc	16 October 2002
Kingston C31	Introduce permanent Heritage Overlay controls to replace the interim controls in place for 2 Jellicoe Street, Cheltenham	1 September 2003
Kingston C46 Part 2	Apply permanent heritage controls to sites identified in Councils heritage Study	4 August 2005
Kingston C133 and Permit Application KP12/555	Amend Heritage Overlay 18 (HO18) and rezone 0.27 ha of the Patterson River Golf Course at No 1 The Fairway, Bonbeach from Special Use 1 to Neighbourhood Residential to allow for the correct application of the Heritage Overlay to the clubhouse and for the subdivision of the former bowling green into 55 lots	24 December 2013
Latrobe C14	Implement the recommendations of the Latrobe City Heritage Study 2008	19 May 2010
Macedon Ranges C31	Apply a Heritage Overlay to 85 and 131 Hamilton Street, Gisborne	18 June 2004
Macedon Ranges C33	Apply Heritage Overlays are recommended in the Macedon Ranges Shire council Stage One Heritage Review, 2010	1 June 2011
Manningham C60	Replace the February 2003 version of the Warrandyte Township Heritage Guidelines with the May 2006 version	02 July 2007
Manningham C71	Introduce the recommendations of the Urban Design Framework for Yarra Street, Warrandyte	23 December 2012

Amendment	Summary	Date of Report
Manningham C113	<p>Amend the Heritage Overlays that apply to the following properties:</p> <ul style="list-style-type: none"> • Former Eastern Golf Course “Tullamore” and stable at 463 Doncaster Road, Doncaster (HO43) • 66-68 Hall Road, Warrandyte South (HO74) • Windrush at 15-17 Homestead Road, Templestowe (HO85) • House at 2 McLeod Street, Doncaster (HO108) • House at 47-49 Smiths Road, Templestowe (HO155) • Warrandyte Township Heritage Precinct, 111 Yarra Street, Warrandyte (HO191) • Menlo at 17-25 Atkinson Street, Templestowe (HO203) • Monterey Cypress at 333, 339, 344 & 360 High Street, Doncaster (HO212) <p>to correct errors and anomalies</p>	20 June 2017
Maribyrnong C14 Part 1	Introduce a Heritage Overlay for 95 Hamilton Street, Yarraville	6 June 2003
Maribyrnong C31	Part of the proposal applies Heritage Overlays to 102 sites and 14 areas across the municipality.	18 August 2004
Maribyrnong C129	Apply a Heritage Overlay (HO207) to ‘the Burrows House’ at 20 Geelong Road, Footscray	11 April 2014
Maroondah C9 Part 2	Introduce a heritage Overlay for 9 sites in Croydon	24 July 2001
Maroondah C42	Apply Heritage Overlays to 61 sites across the municipality	<p>Final Report 23 March 2010</p> <p>Supplementary, Report 1 June 2010</p>
Maroondah C110	Apply Heritage Overlay HO139 to the house at 29 Bedford Road, Ringwood.	14 September 2017
Melbourne C19 Part 1	Include or delete a Heritage Overlay for sites throughout the municipality	18 May 2001
Melbourne C19 Part 2	Include or delete a Heritage Overlay for sites throughout the municipality	20 December 2001
Melbourne C56	Add 26 sites to the Heritage Places Inventory	13 December 2002
Melbourne C186	Apply a Heritage Overlay to 99 sites and include the <i>Central City (Hoddle Grid) Heritage Review 2011</i> and <i>Heritage Assessment 316 – 322 Queen Street 2010</i> as policy references	9 July 2017
Melbourne C198	Create, alter or remove Heritage Overlays for land in North and West Melbourne, Carlton and Melbourne to implement the findings of the City North Heritage Review.	<p>Report 11 July 2014</p> <p>Supplementary, Report 19 November 2014</p>
Melbourne C207	Introduce, alter and delete Heritage Overlays in North Melbourne, West Melbourne and Kensington to introduce the Arden Macaulay Heritage Review 2012 as an incorporated document	21 January 2014

Amendment	Summary	Date of Report
Melbourne C212	Apply Environment Significance Overlay 2 to trees on 110 properties and Heritage Overlays to trees on 10 properties to protect trees that have identified in the City of Melbourne Exceptional Tree Register 2012.	31 July 2014
Melbourne C215	Implement the recommendations of the Review of Heritage Buildings in Kensington 2013 and the Review of Heritage Buildings: Percy Street 2013, for land generally bounded by Racecourse Road, Lambeth Street, Scarborough Place, Stubbs Street, Smith Street, Thompson Street, Robertson Street, Barnett Street, Macaulay Road and Eastwood Street, Kensington.	3 September 2014
Melbourne C240	Apply Design and Development Overlay 62 and alter the boundaries of the Bourke Hill Heritage Overlay Precinct (HO500) to introduce permanent and discretionary height controls to the Bourke Hill area bounded by Little Collins Street, Exhibition Street, Lonsdale Street, and Spring Street, Melbourne.	4 May 2015
Melton C71	Melton Heritage Study 2007	29 January 2009
Melton C100	Introduce a Dry Stone Walls Local Policy and apply the Heritage Overlay to 140 dry stone walls.	18 December 2015
Mildura C47	Review the extent of Heritage Overlays for 3 sites in Mildura	3 November 2010
Mildura C52	Implement the recommendations of the 12 Langtree Parade Heritage Report 2008	21 May 2010
Mildura C79	Apply the Heritage Overlay to 84 places and 10 precincts identified in the Mildura (former Shire of Walpeup) Heritage Study Stage 2.	14 November 2014
Mitchell C56	Apply a Heritage Overlay (HO264) to 836 Heidelberg - Kinglake Road, Hurstbridge.	Report 2 January 2014 Supplementary Report 15 January 2014
Mitchell and Whittlesea GC55	delete Vegetation Protection Overlay 2, delete Salinity Management Overlay, amend the Public Acquisition Overlay 7, amend Heritage Overlays HO4 and HO332 and rezone land within 291 ha bounded by Rankin Street, Patterson Street, Camerons Lane, Kelly Street, the Hume Freeway, Stewart Street and Spring Street, Beveridge to incorporate the Beveridge Central Precinct Structure Plan	24 July 2017
Moira C38	Apply the Heritage Overlay to 110 additional individual places, 15 precincts and 2 thematic groups of places to implement the recommendations of the 2007 Moira Shire Heritage Study	27 April 2016
Monash C41	Introduction of Heritage Overlays for 6 sites in Clayton / Hughesdale / Oakleigh	14 April 2004
Monash C79	Apply a Heritage Overlay to a row of trees at 6 – 20 Brandon Park Drive, Wheelers Hill	17 February 2009
Monash L51	Introduction of Heritage, Vegetation and Design and Development Overlays	22 October 1999
Moonee Valley C4 Part 2	Introduce a Heritage Overlay for 9 sites	22 February 2000

Amendment	Summary	Date of Report
Moonee Valley C16 Part 2	Introduce a Heritage Overlay for 18 Woods Street, Ascot Vale	18 January 2001
Moonee Valley C45	Introduce heritage Overlays for number of precincts and sites	9 March 2004
Moonee Valley C53 Part 2	Apply a Heritage Overlay to 12 Laura Street, Moonee Ponds	10 February 2005
Moonee Valley C66	Introduce Heritage Overlays to 36 places and 3 precincts as identified in the Heritage Gap Study 2005	02 July 2007
Moonee Valley C80	Apply a Heritage Overlay to the Brickmakers Arms Hotel site at 1018 – 1028 Mt Alexander Road, Essendon	21 July 2008
Moonee Valley C109	<p>Amend clauses 21.05, 43.01 and 81.01 to review the following heritage precincts:</p> <ul style="list-style-type: none"> • HO1 - Edwards/Richardson Street, Essendon; • HO3 – Kalimna/Kiora/Curtis/Ardoch Streets and Peterleigh Grove; Essendon; • HO15 – Lorne Street, Moonee Ponds; • HO15 – Union Road, Ascot Vale; • HO18 – Bayview Terrace/St Leonards Road/The Parade, Ascot Vale; • HO20 – Monash Street/Dumblane Avenue/Elliot Street, Ascot Vale; • HO24 – Wellington Street, Flemington; and • HO79 – Canterbury/Dover Streets, Flemington <p>to implement the 'Review of HO Precincts Report (2011)'</p>	19 June 2012
Moonee Valley C142	<p>Apply Heritage Overlays to:</p> <ul style="list-style-type: none"> • The Laurel Hotel at 289 Mt Alexander Road, Ascot Vale (HO361); • Essendon and Flemington Borough Offices at 1A Warwick Street, Ascot Vale (HO362); • Shops at 361, 363 – 379 and 548 Mt Alexander Road, Ascot Vale (HO363); • Princes of Wales Hotel at 502 – 510 Mt Alexander Road, Ascot Vale (HO364); • Victoria Buildings at 433 – 437 Mt Alexander Road, Ascot Vale (HO365); • Former garage at 546 Mt Alexander Road, Ascot Vale (HO366); • Ascot Vale Hotel at 447 Mt Alexander Road, Ascot Vale (HO367); • Clocktower centre at 750 Mt Alexander Road, Moonee Ponds (HO368); • Lincolnshire Arms Hotel at 1 Keilor Road, Essendon (HO369) • Former Methodist Church parsonage at 43 Nimmo Street, Essendon (HO370) • 2 – 20 Levin Street, Essendon (HO371) <p>as identified in the Moonee Valley Thematic Places Heritage Study 2012-14.</p>	2 December 2014
Moonee Valley C143	Apply a Heritage Overlay to part of the Ascot Housing Commission Estate Precinct (HO372) as identified in the Moonee Valley Thematic Places Heritage Study 2012-14	2 December 2014

Amendment	Summary	Date of Report
Moonee Valley C144	Apply Heritage Overlays to 17 heritage precincts and 22 places to implement the 'Heritage Overlay Review Report (2014)'	26 February 2015
Moonee Valley C164	Apply the Heritage Overlay to 64 places and precincts in Aberfeldie, Airport West, Ascot Vale, Avondale Heights, Essendon, Essendon North, Flemington, Keilor East, Moonee Ponds, Niddrie, Strathmore and Travancore as identified in the Moonee Valley Heritage Study 2015	1 December 2016
Moorabool C6 Part 2	Implement the recommendations of the Bacchus Marsh Heritage Study 1995	Interim Report 11 April 2013 Final Report 14 May 2013
Moreland C1 Parts 1 and 2	Review of the interim Heritage Overlay for 73 Plumpton Avenue, Glenroy (plus another unrelated proposal)	2 April 2001
Moreland C10 Part 1	Include 42 David Street, Brunswick in a Heritage Overlay	18 October 2001
Moreland C78	Introduce Heritage Overlays to 970 properties as identified in the Moreland Local Places Review 2004 and the draft Brunswick Structure Plan 2008	19 May 2010
Moreland C129	Amend, apply or delete Heritage Overlays for 35 properties and 10 precincts to implement the North of Bell Street Heritage Study (2011) and the Gallipoli Parade Heritage Precinct and Beaufort Houses Review (2011).	2 February 2013
Moreland C149	<p>Insert the Lygon Street Heritage Study, 2012 as a reference document and apply Heritage Overlays to the following sites</p> <ul style="list-style-type: none"> • 495-497 & 500-522 Lygon Street, Brunswick East (HO435) • 398-406 Lygon Street, Brunswick East (HO436) • 313-321 Lygon Street, Brunswick East (HO437) • 128-140 & 129-135 Lygon Street, Brunswick East (HO438) • 38-114 & 51-117 Lygon Street, Brunswick East (HO439) • Former ANZ Bank, 152-154 Lygon Street, Brunswick East (HO440) • Rosely Hosiery Mill (Former), 170-176 Lygon Street, Brunswick East (HO441) • 150 Lygon Street, Brunswick East (HO442) • Moderne Apartment Blocks, 37, 299-299A, 301 and 434C Lygon Street, Brunswick East (HO443) • Interwar Textile Factories, 103-105 Evans Street and 236, 238, 240, 260 and 297 Lygon Street, Brunswick East (HO444) • and amend the Heritage Overlays for the following sites • Delete the existing Heritage Overlay of the Lygon Street Precinct (HO255) • Remove the interim protection assigned to 260 Lygon Street and include within HO444 <p>to implement the recommendations of the Lygon Street Heritage Study 2012</p>	14 May 2014
Mornington Peninsula C12 Part 2	Introduce a Heritage Overlay for the Collins Settlement site in Point Nepean Road, Sorrento	5 April 2001

Amendment	Summary	Date of Report
Mornington Peninsula C23	Introduce a local planning policy for the Sorrento Historic Precinct	5 June 2002
Mornington Peninsula C35	Introduction of heritage controls for 68 sites	12 September 2002
Mornington Peninsula C73 Part 2	List the Mornington Main Street and Esplanade Civic Precinct as a heritage place.	21 March 2006
Mornington Peninsula C101	Apply a Heritage Overlay to the Flinders Heritage Precinct	16 October 2009
Mornington Peninsula C114	Apply a permanent Heritage Overlay to 42 Barkly Street, Mornington	21 October 2009
Mornington Peninsula C135 (in part)	<ul style="list-style-type: none"> delete the Heritage Overlay (HO23) that applies to 10, 12, 14 and 18 Beach Road, Shoreham; apply a Heritage Overlay to the Main Street Mornington Heritage Precinct (HO355) 	18 June 2013
Mornington Peninsula C170	Apply Heritage Overlay (HO361) to the house at 4 - 6 Rannoch Avenue, Mt Eliza	2 May 2013
Mornington Peninsula C174 Part 3	<ul style="list-style-type: none"> introduce a new Local Area Policy for the Ranelagh Estate, Mount Eliza adjust the Local Policy for Cultural Heritage Places: and apply Heritage Overlays to 12 - 14 Osborne Drive, Mount Martha (HO391) and 21 and 23 Ravenscourt Crescent, Mount Eliza (HO398) 	15 October 2014
Mornington Peninsula C197 and Permit Application CP14/002	Delete Environmental Significance Overlay 9, apply Development Plan Overlay 22 and apply Heritage Overlay HO410 to 3.148 ha at 40 - 52 Elizabeth Drive, Rosebud to allow for the staged subdivision of the land into 15 lots.	20 July 2016
Mount Alexander C55	<p>update the list of reference documents to include the:</p> <ul style="list-style-type: none"> <i>Heritage Study of the Shire of Newstead, Wendy Jacobs Architects and Planners, revised 2011;</i> <i>Former Shire of Newstead Heritage Precinct Planning Permit Exemptions Incorporated Plan, October 2011;</i> and <i>Welshmans Reef Caravan Park Planning Permit Exemptions Incorporated Plan, October 2011;</i> and <p>apply a Heritage Overlay to 244 new places and 5 precincts to implement the findings of the former Shire of Newstead Heritage Study 2004 (revised 2011).</p>	18 July 2012
Mount Alexander C60	<p>Apply a Heritage Overlays to:</p> <ul style="list-style-type: none"> the Forest Creek Channel Precinct, between Bridge Street and the railway bridge, Castlemaine (HO1183) the Western Reserve, the former Eastern Reserve and the Lawn Tennis Club Reserve between Bridge Street and the railway bridge, Castlemaine (HO1204) the Forest Street Industrial, Commercial and related Residential Serial Site in Barker Street, Bruce Street and Forest Street, Castlemaine (HO1214) 	23 December 2015

Amendment	Summary	Date of Report
Moyne C61	<ul style="list-style-type: none"> • apply the Heritage Overlay to the Dunlop Street Heritage precinct (HO77) in Dunlop Street, Officer Street, Townsend Street and Webster Street, Mortlake • extend the existing Mortlake Heritage precinct (HO12) in Jamieson Avenue, Officer Street, Townsend Street, Shaw Street and Stewart Street, Mortlake and renaming it to the Shaw Street Heritage precinct • apply the Heritage Overlay to 14 properties (HO78 - HO91) in the Mortlake township and surrounds • delete the Heritage Overlay (part of HO12) from 5 properties and part of 1 property in Shaw Street, Mortlake. 	16 August 2016
Nillumbik C3 Part 2	Introduce a Heritage Overlay for 17 sites in Arthurs Creek, Christmas Hills, Cottlesbridge, Diamond Creek, Eltham, Greensborough, Hurtsbridge, North Warrandyte.	14 November 2001
Nillumbik C13 Part 2	Apply a Heritage Overlay to the following sites: <ul style="list-style-type: none"> • St Michaels Anglican Church, Yarrambat • Ryders Hut, Arthur's Creek • 50 Arthur Street, Eltham • 155 Dodd Street, St Andrews • Glendonald, Arthur's Creek • Cracknell House, Pantan Hill • 100 Research Warrandyte Road • 180 Doctors Gully Road, Doreen 	21 August 2007
Nillumbik C58 Part 2	Apply a Heritage Overlay to site 12 at 925 – 927 Heidelberg – Kinglake Road, Hurstbridge	2 June 2010
Nillumbik C72	Modify / insert Heritage Overlays for 6 sites in Cottles Bridge, Eltham, Kangaroo Ground, Plenty and Warrandyte	6 July 2011
Nillumbik C78	Apply a Heritage Overlay (HO264) to 836 Heidelberg - Kinglake Road, Hurstbridge.	26 March 2013
Nillumbik C100	Apply the Heritage Overlay (HO268) to 12 Anzac Avenue, Hurstbridge	27 March 2015
Port Phillip C5 & C14	C5 Neighbourhood amendment including alterations to the Heritage Overlay controls C15 Heritage Overlay for 28 sites	6 December 1999
Port Phillip C24 Part 2	Introduce a Heritage Overlay for 10 properties in Port Melbourne, St Kilda.	1 March 2002
Port Phillip C32 (in part)	<ul style="list-style-type: none"> • update the level of significance for a number of properties on the Heritage Overlay Policy Map; • update the Port Phillip Heritage Review; • update the Port Phillip Heritage Policy Map. 	29 August 2005
Port Phillip C46	Implement the findings of the East St Kilda Heritage Study 2004	29 August 2005
Port Phillip C54	Amend the Heritage Overlay that applies to various sites in Elwood and update heritage related incorporated documents and maps.	29 August 2006
Port Phillip C68	Implement the recommendations of the Heritage Alliance heritage Assessment (July 2005).	29 September 2008

Amendment	Summary	Date of Report
Port Phillip C89	implement the review of Heritage Overlay 1 - Port Melbourne (HO1) for the area bounded by Clark Street, Ingles Street, Boundary Street, Pickles Street and Beach Street and apply a Heritage Overlay to an additional 248 sites in Port Melbourne.	30 November 2012
Port Phillip C117	<ul style="list-style-type: none"> • revise Citation 2134 for the Dunlop factory at 66 Montague Street and 223-229 Normanby Road, South Melbourne • revise Citation 2134 for the Laconia Blanket Mills site at 179-185 Normanby Road, Southbank • delete Citation 2137, replace Heritage Overlay 4 with HO467, HO468, HO469 for the Johns & Waygood buildings at 400-430 City Road, Southbank • apply a Heritage Overlay (HO470) to the electricity substation site at 98 Johnson Street, South Melbourne • apply a Heritage Overlay (HO471) to the horse trough in the Ingles Street road reserve, near the corner of Ingles Street and Williamstown Road, Port Melbourne • apply a Heritage Overlay (HO472) to the Rootes / Chrysler factory at 19 Salmon Street, 291 & 323-337 Williamstown Road, 7- 9 & 21 Smith Street and 332 Plummer Street, Port Melbourne • apply a Heritage Overlay (HO442 - Albert Park Residential Area) to shops at 496-510 City Road, South Melbourne • add a new citation to shops and houses at 157-163 Montague Street, South Melbourne • add a new Citation for the shops and houses at 125-127 Ferrars Street, Southbank • add a new Citation for the Post War Factory at 185 Ferrars Street, Southbank • grade the former BALM Paint offices at 2 Salmon Street and 339 Williamstown Road, Port Melbourne as a 'Significant Heritage Place' • grade the factories and offices at 16-20 and 22-28 Thistlethwaite Street and 1-3 Tates Place, South Melbourne as 'Contributory outside of the HO' <p>to update the permanent heritage controls in Fishermans Bend.</p>	20 September 2016
Port Phillip C122	Apply Heritage Overlays, apply Design and Development Overlay 27 and rezone land along St Kilda Road generally between Carlisle Street and Queensway and along Wellington Street between St Kilda Road and Queensway, St Kilda to implement the St Kilda Road South Urban Design and Land Use Framework (November 2015)	19 June 2017
Port Phillip C132	Apply the Heritage Overlay (HO497) on a permanent basis to the single storey house at 26 Stokes Street, Port Melbourne.	20 April 2017
Port Phillip C143	Apply Heritage Overlay HO472 to the former Rootes / Chrysler factory at 19 Salmon Street and 299 Williamstown Road, Port Melbourne to implement the recommendations of the Fishermans Bend Heritage Study (Biosis, 2013) and the Fishermans Bend additional heritage place assessments (Biosis, 2015).	5 September 2017
Pyrenees C7	Introduce Heritage Overlays for 43 sites and 8 precincts	11 February 2004

Amendment	Summary	Date of Report
Queenscliffe C14 & Permit Application CP3002/160	Part of the proposal applies a Heritage Overlay over the former Crows Nest Barracks site at 1 Flinders Street, Queenscliffe	15 July 2004
South Gippsland C9 Part 2	Implement the recommendations of the South Gippsland Heritage Study 2004	2 September 2008
Southern Grampians C6	Apply a Heritage Overlay to sites identified in the Southern Grampians Shire Heritage Study 2004	20 March 2009
Stonnington C5 & C6	Heritage Overlays for 35 sites across the municipality	15 July 2003
Stonnington C12 Part 2	Introduce a Heritage Overlay for the Inverness Avenue Precinct a 19-31 Inverness Avenue, 1-3 The Terrace and 55-67 Wattletree Road, Armadale (and 1 unrelated proposal)	6 February 2002
Stonnington C33	Introduce a Heritage for the former Seeleymeyer House at 333 Wattletree Road, Malvern East	17 March 2004
Stonnington C80	Apply a Heritage Overlay to Wrights Terrace Precinct, Prahran, Westbourne Street Precinct, Prahran and New Street Precinct, Armadale	2 September 2009
Stonnington C80	Apply a permanent heritage controls to the Hunters Hill Precinct Precinct, Malvern East	2 September 2009
Stonnington C91	Apply a permanent Heritage Overlay to the Union Street Precinct in Armadale	3 March 2010
Stonnington C97	Apply a Heritage Overlay to Edsall Street Precinct and Malvern, Coonil Estate Precinct, Malvern	2 September 2009
Stonnington C101	Apply a permanent Heritage Overlay to the Coolullah and Quamby Avenue Precinct in Armadale, the Norman Avenue Precinct in Hawksburn and the Redcourt Avenue Precinct in Armadale	3 March 2010
Stonnington C103	Apply a permanent Heritage Overlay to the Hawksburn Railway Precinct in South Yarra, the Wilson Street Precinct in South Yarra and the Bus Inn Estate Precinct in Toorak	3 March 2010
Stonnington C108	Apply a permanent Heritage Overlay to 4 precincts in Prahran and South Yarra	17 September 2010
Stonnington C112	Apply a permanent Heritage Overlay to 5 precincts in Glen Iris and Malvern East	17 September 2010
Stonnington C117	Apply a permanent Heritage Controls to the Hampden Road Precinct Extension, Armadale, the Sorrett Avenue Precinct, Malvern and the Sunderland Road Precinct, Armadale	31 May 2011
Stonnington C118	Apply a permanent Heritage Controls to the Hawkesburn Retail Precinct, Armadale, the Waverley Road Gateway Precinct, Malvern East, the Malvern / Tooronga Roads Precinct, Glen Iris / Malvern and the High Street Rail and Retail Precinct, Armadale	31 May 2011
Stonnington C127	Apply Heritage Overlays to 5 hotel sites in Malvern, Prahran and Windsor	20 September 2011
Stonnington C132	Update the Heritage Policy to strengthen the policy framework for the assessment of permit applications for land within the Heritage Overlay.	12 April 2017

Amendment	Summary	Date of Report
Stonnington C135	Apply a Heritage Overlay to 16 sites in Armadale, Glen Iris, Malvern, Malvern East, Prahran and Windsor	11 May 2012
Stonnington C145	Apply / modify Heritage Overlays to 7 sites in Armadale, Malvern, Malvern East and Prahran	16 May 2012
Stonnington C157	Amend the properties covered by the Alexandra Avenue / Domain Road / Punt Road, South Yarra Heritage Precinct (HO122) and the Caroline Street, South Yarra Heritage Precinct (HO355) as part of Councils Heritage Action Plan.	3 July 2017
Stonnington C158	<p>apply a Heritage Overlay to:</p> <ul style="list-style-type: none"> the Waverley Theatre Retail Precinct at 81 – 99 Waverley Road, Malvern East (HO424); The Toorak Village Precinct at 464 – 474, 482 – 484 and 527 – 533A Toorak Road, 60 Ross Street and 159 Canterbury Road, Toorak (HO425); a shop at 463 – 465 High Street, Prahran (HO426); a shop at 256 High Street, Windsor (HO427); and a shop at 458 High Street, Prahran (HO428). 	28 August 2012
Stonnington C163	<p>Apply Heritage Overlays to the following sites:</p> <ul style="list-style-type: none"> HO429 Casa Panzo, 89 Alexandra Avenue, South Yarra HO430 Combooya flats, 1 Carmyle Avenue, Toorak HO431 Quantox Flats, 9 Church Street, Toorak HO432 Netherhall, 34 Clendon Road, Toorak HO433 Basford Flats, 203 Dandenong Road, Windsor HO434 Montclair Flats, 321 Dandenong Road, Prahran HO435 Denbigh Court, 6-8 Denbigh Road, Prahran HO436 Hillingdon, 383 Glenferrie Road, Malvern HO437 Grange Lynne, 6 Grange Road, Toorak HO438 Burnham, 14 Grange Road, Toorak HO439 Koonoona Flats, 754 High Street, Armadale HO440 Colwyn Flats, 1263 High Street, Malvern HO441 Glenunga Flats, 2 Horsburgh Grove, Armadale HO442 Muyunata (Kensington Mews), 26 Kensington Road, South Yarra HO443 Clyde & Castle Village, 39-41 Kensington Road, South Yarra HO444 Granada Flats, 537 Orrong Road, Toorak HO445 Silverton Flats, 698 Orrong Road, Toorak HO446 Gowrie Court flats, 716 Orrong Road, Toorak HO447 Franklyn House Flats, 137 Osborne Street, South Yarra HO448 Fawkner Mansions, 250 Punt Road, Prahran HO449 Bendale, 446 Punt Road, South Yarra HO450 Duplex, 5 Stonnington Place, Toorak HO451 Haddon Hall, 405 Toorak Road, Toorak HO452 Taunton, 520 Toorak Road, Toorak HO453 Eden Kyle Flats, 30 Verdant Avenue, Toorak HO454 Gradsden Hall Flats, 28 Washington Street, Toorak HO455 Duplex, 392-94 Glenferrie Road, Malvern 	27 June 2013
Stonnington C170	Revise the boundary of the Chapel Street Precinct HO126 and realigns land into two new Heritage Precincts	25 March 2013

Amendment	Summary	Date of Report
Stonnington C181	Add 42 The Avenue, Windsor to <i>The Avenue Precinct</i> Heritage Overlay (HO148) on a permanent basis to protect the street trees on the eastern side of The Avenue	13 October 2014
Stonnington C183 Part 2	Apply a Heritage Overlay to: <ul style="list-style-type: none"> • the Hoddle Bridge, Punt Road, South Yarra (HO464) • the MacRobertson Bridge, Grange Road, Toorak (HO465) • the Gardiners Creek Bridge, Glenferrie Road, Kooyong (HO466) • the Argo Street Bridge, Argo Street, South Yarra (HO467) • the Toorak Bowling Club, 9-13 Mandeville Crescent, Toorak (HO471) • the Kooyong Railway Signal Box and Switch House, 432A Glenferrie Road, Kooyong (HO473) • the former Residence, 274 High Street, Windsor (HO479) • the Dandenong Road Bridge, Dandenong Road, Windsor (HO480) • Gardiner Railway Signal Box and Switch House, 287 Burke Road, Glen Iris (HO481) 	20 October 2015
Stonnington C192	Apply a Heritage Overlay (HO459) to a two storey Victorian villa at 20 Darling Street, South Yarra	29 August 2014
Stonnington C204	Apply a permanent Heritage Overlay (HO462) to 0.7ha at 21 William Street, South Yarra	24 April 2015
Stonnington C206	Apply a permanent Heritage Overlay (HO463) to a two storey, brick interwar dwelling on 0.1 ha at 420-424 Punt Road, South Yarra	20 May 2015
Stonnington C222	Apply the Heritage Overlay (HO486 - HO526) to 40 sites in Armadale, Malvern and Toorak.	12 August 2016
Stonnington C225	Apply the Heritage Overlay to: <ul style="list-style-type: none"> • 'Maroondah' at 177 Kooyong Road, Toorak (HO482); • 'Quantook' at 179 Kooyong Road, Toorak (HO483); • 'Helenslea' at 181 Kooyong Road, Toorak (HO484); and • 'Coomaroo' at 26 Albany Road, Toorak (HO485). 	22 August 2016
Stonnington C233	Apply the Heritage Overlay (HO529) to 0.11 ha at 878 High Street, Armadale	7 October 2016
Stonnington C238	Apply a Heritage Overlay (HO530) to the residences at 29-31 Phoenix Street, South Yarra.	14 March 2017
Stonnington C243	Apply Heritage Overlays to land occupied by Lauriston Girls School known as Sutherland House at 1074 - 1076 Malvern Road, Armadale (HO527) and Blairholme House at 1034 - 1040 Malvern Road, Armadale (HO528).	16 October 2017
Stonnington C248	Apply Heritage Overlay (HO531) to the residential building at 558 Waverley Road, Malvern East.	31 May 2017
Stonnington C249	Apply Heritage Overlays to 58 sites (HO532 - HO584 in Armadale, Glen Iris, Malvern, Malvern East, Prahran, South Yarra, Toorak and Windsor.	28 December 2017
Stonnington C255	Apply Heritage Overlay (HO586) to the 0.12 ha 'The Bungalow' at 221 Burke Road, Glen Iris to apply permanent heritage controls for the land.	17 October 2017

Amendment	Summary	Date of Report
Stonnington C257	Apply Heritage Overlay (HO587) to the 0.10 ha 'Stobo' at 390 Glenferrie Road, Malvern to apply permanent heritage controls for the land.	17 October 2017
Stonnington L29	Introduce an Urban Conservation Area for land in Huntingfield Road, Kooyong Road and Irving Road, Toorak	14 April 1998
Stonnington L37	Introduce an Urban Conservation Area for land in Glenferrie Road / High Street	24 November 1998
Stonnington L39	Introduce an Urban Conservation Area for land in Albert Street, Melrose Street, Coolgardie Avenue, Waverley Road and Malvern Road, East Malvern	14 January 1999
Stonnington L47 Part D	Introduction of Heritage controls for 53 sites	23 March 2000
Stonnington L48	Introduce an Urban Conservation Area for the Dorrington Avenue Area bounded by Valency Road, Burke Road, Wattle tree Road and Malvern Road, Glen Iris	3 June 1999
Stonnington L49	Introduce an Urban Conservation Area for the Glen Iris Village Shopping Precinct at 1511 – 1545 and 1600 – 1628 High Street, Glen Iris	30 June 1999
Stonnington L50	Introduce an Urban Conservation Area for 143 – 163 & 120 – 148 Burke Road and 389 – 411 & 348 – 362 Wattle tree Road, Malvern / East Malvern	14 January 1999
Stonnington L55	Introduce an Urban Conservation Area for the Villers and Bretonneux Squares Area bounded by Waverley Road, Belgrave Road, Princes Highway, Serrell Street, the East Malvern Bowling Club and Nirvana Avenue, East Malvern	10 May 1999
Stonnington L60	Introduce an Urban Conservation Area for the Claremont Avenue Area bounded by Glenferrie Road, Wattle tree Road, Tooronga Road and Dandenong Road, Malvern	15 May 2000
Stonnington L66	Introduce a Heritage Overlay for the: <ul style="list-style-type: none"> • Kooyong area bounded by Glenferrie Road, Toorak Road and Kooyong Park, Kooyong • Moorakynne and Stonnington Estates, bounded by Glenferrie Road, Mayfield Avenue, Henderson Avenue and Somers Avenue, Malvern • Power Street area bounded by Kooyong Road, Toorak Road, Glenferrie Road, Warra Street, Moonga Road, Glyndebourne Avenue and Myrnong Crescent, Toorak 	1 August 2000
Stonnington L67 & L68	Introduce Urban Conservation Areas for the Rialto Area for land in The Rialto, The Rialto West, Oravel Avenue and 469 – 501 Malvern Road Malvern East and the Williams Road Area, for land along Williams Road between Washington Street and High Street, South Yarra / Toorak / Prahran	31 January 2000
Stonnington L72	Introduce an Urban Conservation Area for the Arlie Avenue Area bounded by High Street, Kelvin Grove, Vail Street and Highbury Grove, Prahran	13 December 1999
Strathbogie C4 Part 1	Apply the Heritage Overlay to 55 sites across the municipality.	28 October 2016

Amendment	Summary	Date of Report
Surf Coast C15 (in part)	<ul style="list-style-type: none"> introduce a Heritage Policy; Modify the strategic basis for protecting heritage places; Apply a Heritage Overlay to 52 sites identified in the Selected Lorne Deans Marsh Heritage Place Assessment Report 2003. 	6 May 2005
Surf Coast C50	Apply heritage Overlays to 72 sites in Aireys Inlet, Anglesea, Bells Beach, Buckley, Lorne, Modewarre, Torquay and Winchelsea	7 April 2010
Swan Hill C6 Part 2	Introduce a Heritage overlay for the Robinvale water supply pumping station in Pumps Road, Robinvale	6 July 2004
Wangaratta C13	Apply a Heritage Overlay to precincts and sites identified in the Wangaratta Urban Area Heritage Study (2003)	17 December 2003
Wangaratta C43	Apply the Heritage Overlay to 25 properties to implement the findings of the report "Rural City of Wangaratta Heritage Study Review (Part 1) and Urban Precincts 2011 – Volume 2: Rural Places"	5 March 2015
Warrnambool C57	Apply a permanent Heritage Overlay to the former Sandilands Guest House at 1A Liebig Street, Warrnambool	29 December 2008
Warrnambool C68	Implement the recommendations of the Warrnambool Gap Heritage Study – Stage 3 (a)	22 March 2011
Warrnambool C73 Part 2	Apply the Heritage Overlay to 16 King Street (HO339), 3 Liebig Street (HO351) and 60 Jukes Street (HO360), Warrnambool.	1 June 2015
Wellington C26 Part 2	Apply a Heritage Overlay to 12 sites in Sale to implement the recommendations of the: <ul style="list-style-type: none"> Wellington Shire Heritage Study: Stage 1, May 2005, and City of Sale Heritage Study, 1994, 	4 December 2007
Wellington C92 Part 2	Apply Heritage Overlay HO351 to the former Federal Coffee Palace site at 303 - 305 Commercial Road, Yarram	23 June 2017
Whitehorse C3 Part 2	Introduce a Heritage Overlay for 18 sites in Blackburn, Blackburn North, Box Hill, Box Hill North, Box Hill South, Burwood, Burwood East, Mitcham, Mont Albert, Vermont South	3 May 2001
Whitehorse C26	Include the 'Albion' site at 50 Albion Road, Box Hill in a Heritage Overlay	5 November 2001
Whitehorse C43 Part 2	Introduce a Heritage Overlay for: <ul style="list-style-type: none"> 22 St John Avenue, Mont Albert 11 Drewett Street & 29 Erasmus Street, Surrey Hills 	16 June 2003
Whitehorse C52 Part 2	Apply a Heritage to the Blacks Estate, Mont Albert and the Windsor Park Estate, Surrey Hill	11 March 2005
Whitehorse C62	Apply permanent heritage controls to the Surry Lodge site at 520 Mitcham Road, Mitcham	19 February 2007
Whitehorse C74 Part 2	Apply Heritage Overlays to the Gem of Box Hill / Court House Estate and Elmore Houses in Blackburn	25 March 2008
Whitehorse C129	Apply a permanent Heritage Overlay at 28 – 44 William Street, Box Hill	27 May 2011
Whitehorse C140	Apply Heritage Overlays to 27 properties and 1 precinct across Box Hill, Blackburn, Burwood, Mont Albert, Mitcham, Nunawading and Surrey Hills.	29 November 2011

Amendment	Summary	Date of Report
Whitehorse C157	Apply a Heritage Overlay to 3 precincts and 3 places across Box Hill, Blackburn, Burwood, Burwood East, Forest Hills, Mitcham, Mont Albert, Surrey Hills and Vermont South.	12 May 2015
Whitehorse C164	Apply the Heritage Overlay to: <ul style="list-style-type: none"> • 15 Hopetoun Parade (Woodleys), Box Hill (HO268), • the precinct comprising 2-9 and 11 Shalimar Court, 1-9 Parkleigh Court, 3 and 5 Fortescue Grove Vermont South known as the Blue Flame Project. (HO273); and • 127 Whitehorse Road, Blackburn (Gurdwara - Sikh Temple) (HO274) 	13 January 2015
Whitehorse C172 Part 2	Apply a Heritage Overlay to: <ul style="list-style-type: none"> • 24 Arnott Street, Mont Albert North (HO276) • <i>Mount Scopus Memorial College</i> at 245 Burwood Highway, Burwood (HO277) • 150 Canterbury Road, Blackburn South (HO278) • 31 Fowler Street, Box Hill South (HO279) • 18 Gilmour Street, Box Hill (HO280) • 1 Gracefield Drive, Box Hill (HO281) • 111 Main Street, Blackburn (HO286) • 7 Norris Court, Blackburn (HO287) • 1163 Riversdale Road, Box Hill South (HO288) • 12 Sunhill Avenue, Burwood (HO293) • 1 Verona Street, Vermont South (HO294) • <i>Wildwood</i> at 3 Villa Mews, Vermont (HO295) • 359 Whitehorse Road, Nunawading (HO296) • <i>Housing Commission of Victoria Precinct</i>, Cadorna Street, Box Hill South (HO302) 	3 May 2016
Whittlesea C24	Introduce a Heritage Overlay for the 'Farm Vigano' at 964c Plenty Road, South Morang	3 February 2003
Whittlesea C153	Apply Heritage Overlays to 94 sites to correct anomalies and remove redundant controls of places already protected by the Heritage Overlay (53 sites).	23 September 2014
Wodonga C97	Apply a Heritage Overlay to 45 places and 1 precinct	11 February 2014
Wyndham C6	Introduce a Heritage Overlay for sites identified in the City of Wyndham Heritage Study	1 October 2002
Wyndham C86	Apply Heritage Overlay to sites identified in the City of Wyndham Heritage Study 1997 and Wyndham City Council Review of Heritage Sites of Local Interest (2004)	19 October 2009
Yarra L78	Replace six conservation and heritage overlays with a new Heritage Overlay	23 February 1999
Yarra C6	Introduce a Heritage Overlay for 10 sites in Cremorne, Richmond, Clifton Hill	14 July 2000
Yarra C29	Include the Slade Knitwear advertising sign at 105 – 115 Dover Street, Richmond in a Heritage Overlay	29 January 2002
Yarra C43	Update the Guidelines for Heritage Places and add local policies.	9 February 2004

Amendment	Summary	Date of Report
Yarra C59	Replace the interim Heritage Overlay with a Permanent Heritage Overlay for the Rosella factory complex at 57 – 61 Balmain Street, Cremorne	21 August 2006
Yarra C62 and Permit Application PLO4/0681	Alter the Heritage Overlay for the former Denton Hat Factory site at 48 – 60 Nicholson Street, Abbotsford to allow for the redevelopment of the site.	4 November 2005
Yarra C65 and Permit Application PLO5/1289 (in part)	Remove and apply Heritage Overlays as part of the proposal to redevelop the Australian Dyeing Company site at 145-175 Noone Street and 250-292 Alexandra Parade East, Clifton Hill	5 December 2006
Yarra C157	Apply a Heritage Overlay to the Victoria Street, Richmond Precinct and 35 properties in Abbotsford, Collingwood, Fairfield, Fitzroy, North Fitzroy and Richmond.	3 July 2013
Yarra C163	Apply a Heritage Overlay (HO456) to the Victoria Street West Precinct at 233-251 Victoria Street, Abbotsford	3 July 2013
Yarra C198	<ul style="list-style-type: none"> include 227-233 Nicholson Street, 160 Park Street and 50-96 and 57-103 Stafford Street, Abbotsford in the Charles Street Heritage Overlay Precinct (HO313) include 5-17 and 8-26 Blanche Street and 30 Mater Street, Collingwood in the Gold Street Heritage Overlay Precinct (HO321) include 114 and 127A-133 Campbell Street and 69-81 Palmer Street, Collingwood in the Johnston Street Heritage Overlay Precinct (HO324); and - apply a Heritage Overlay (HO503) to the former commercial stables and hitching posts at 2 James Street, Abbotsford 	18 May 2016
Yarra C214	Delete Heritage Overlay HO375 and apply Heritage Overlay HO516 to 77-79 and 81-95 Burnley Street and 1-9 Doonside Street, Richmond to create the Doonside Heritage Precinct.	1 June 2017
Yarra Ranges C16 Part 2	Heritage Overlays for 284 sites across the municipality	Interim Report 7 August 2003 Final Report 18 March 2005
Yarra C85	Update the heritage protection in existing Heritage Overlay areas	6 June 2008
Yarra C149	<p>Apply a Heritage Overlay to</p> <ul style="list-style-type: none"> Alphington East Precinct (HO362) Cole's Paddock Precinct, Richmond (HO363) Wellington Street Precinct, Cremorne (HO364) 109 individual places Revise the Heritage Overlay as it applies to: <ul style="list-style-type: none"> Barkly Gardens Precinct, Richmond (HO308) Bridge Road Precinct, Richmond (HO310) Church Street Precinct, Richmond (HO315) Golden Square Precinct, Richmond (HO322) Kennedy Street Precinct, Richmond (HO325) Park Crescent Precinct, Alphington and Fairfield (HO328) West Richmond Precinct, Richmond (HO338) Cremorne Precinct, Richmond (HO342). 	6 May 2013

Amendment	Summary	Date of Report
Yarra C173 Part 2	Apply or amend the heritage overlay to thirteen precincts, three serial listings and a number of individual properties in Collingwood, Cremorne, Fitzroy and Richmond	12 July 2016
Yarra C183	Introduce the Heritage Overlays for 14 precincts and 30 properties in the area bounded by Bridge Road, Swan Street, Church Street and the Yarra River, Richmond to implement the findings within the <i>Heritage Gap Study: Review of Central Richmond, Stage 2 Final Report, November 2014</i>	14 June 2016
Yarra Ranges C63	Apply a Heritage Overlay to the road reserves of Clarke Street, Castella Street, Chapel Street, Gardiner Street, Anderson Street, Cave Hill Road south, a section of the Eyrie, Melba Avenue road reserve east of Olinda creek and along the western boundary of Lilydale Recreation Reserve to protect the street trees in Lilydale	10 July 2007
Yarra Ranges C89	Apply Heritage Overlays to 5 sites in Belgrave and Lilydale	31 March 2011
Yarra Ranges C131	Apply Heritage Overlays to: <ul style="list-style-type: none"> • 15 properties in Chum Creek and Healesville: • 57 properties comprising the Healesville Commercial Centre Precinct: and • 37 properties comprising the Symons Street, Healesville Precinct • as identified in the Healesville Heritage Study, 2012. 	14 November 2014
Yarra Ranges C158	Delete redundant and unjustified provisions from the Schedule to the Heritage Overlay and rationalise the boundaries of the mapped overlays	1 September 2016