

**Darebin Planning Scheme Amendment C203dare
Heidelberg Road Heritage**

Panel Report

Planning and Environment Act 1987

16 August 2022

How will this report be used?

This is a brief description of how this report will be used for the benefit of people unfamiliar with the planning system. If you have concerns about a specific issue you should seek independent advice.

The planning authority must consider this report before deciding whether or not to adopt the Amendment.

[section 27(1) of the *Planning and Environment Act 1987* (the PE Act)]

For the Amendment to proceed, it must be adopted by the planning authority and then sent to the Minister for Planning for approval.

The planning authority is not obliged to follow the recommendations of the Panel, but it must give its reasons if it does not follow the recommendations. [section 31 (1) of the PE Act, and section 9 of the *Planning and Environment Regulations 2015*]

If approved by the Minister for Planning a formal change will be made to the planning scheme. Notice of approval of the Amendment will be published in the Government Gazette. [section 37 of the PE Act]

Planning and Environment Act 1987

Panel Report pursuant to section 25 of the PE Act

Darebin Planning Scheme Amendment C203dare

16 August 2022

A handwritten signature in black ink, appearing to read 'Ian Gibson', with a long horizontal stroke extending to the right.

Ian Gibson, Chair

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Glossary and abbreviations

Council	Darebin City Council
DELWP	Department of Environment, Land, Water and Planning
HO	Heritage Overlay
PE Act	<i>Planning and Environment Act 1987</i>
PPF	Planning Policy Framework
PPN01	Planning Practice Note 1 - Applying the Heritage Overlay. August 2018

Overview

Amendment summary

The Amendment	Darebin Planning Scheme Amendment C203dare
Common name	Heidelberg Road Heritage
Brief description	The Amendment seeks to apply the Heritage Overlay to seven individual properties along the Heidelberg Road corridor in Northcote, Fairfield and Alphington on a permanent basis
Subject land	Seven properties along Heidelberg Road in Northcote, Fairfield and Alphington
Planning Authority	Darebin City Council
Authorisation	19 October 2021 (subject to minor revisions)
Exhibition	11 November to 13 December 2021
Submissions	Number of Submissions: 4 Opposed: 2 - Submission 1: City of Yarra (supportive) - Submission 2: Church of Jesus Christ of Latter-day Saints (supportive subject to changes) - Submission 3: Marino Rech (opposed) - Submission 4: Eugenio and Antonia Rischitelli (opposed)

Panel process

The Panel	Ian Gibson (Chair)
Directions Hearing	Video Conference, 25 May 2022
Panel Hearing	Video Conference, 20 July 2022
Site inspections	Unaccompanied, 19 May 2022
Parties to the Hearing	Amy O'Keeffe, Senior Strategic Planner, Darebin City Council, who called expert evidence on: - heritage, from Kim Roberts of GML Heritage Victoria Pty Ltd
Citation	Darebin PSA C203dare [2022] PPV
Date of this report	16 August 2022

Executive summary

Darebin Planning Scheme Amendment C203dare (the Amendment) seeks to apply the Heritage Overlay to seven properties along Heidelberg Road in Northcote, Fairfield and Alphington on a permanent basis.

The Amendment relates to the Heidelberg Road corridor on the border of the Darebin and Yarra local government areas. In 2019, Yarra and Darebin Councils jointly researched the planning context of Heidelberg Road between Merri and Darebin Creeks, including existing planning controls, development applications and built form conditions, resulting in the preparation of a draft Local Area Plan and Built Form Framework for the corridor. In turn, this led to the preparation of a report on the heritage values of the corridor by Context, *Heidelberg Road Heritage Assessment- Final Report* (September 2020), implementation of interim controls through Amendment C200dare, and the preparation and exhibition of the Amendment.

Four submissions were received, one of which supported the implementation of heritage controls, one supported the Amendment but sought consideration of heritage protection for mature eucalypt trees within the property, and two opposed the Amendment.

The main areas of concern in the two submissions that opposed the Amendment included:

General issues applying to heritage controls:

- impacts on property values and maintenance costs
- unfair restrictions on development.

Issues relating to the heritage merits of individual properties:

- alterations to the property (Submissions 3 and 4)
- changes in the character of the neighbourhood (Submission 4)
- limits on the potential for energy efficiency improvements (Submission 4)
- state of repair of the property (Submission 4)
- coverage of the Heritage Overlay (Submission 3).

Strategic justification

The Panel concludes that there is State and local justification for the protection of heritage along Heidelberg Road; the Heidelberg Road Heritage Assessment- Final Report (September 2020) is rigorous, comprehensive and consistent with *Planning Practice Note 1 – Applying the Heritage Overlay*; and the Amendment was exhibited and submissions reviewed appropriately. It therefore considers that the Amendment is strategically justified, and supports application of the Heritage Overlay to all seven properties that were included in the exhibited Amendment.

A number of refinements to the Amendment were proposed throughout the exhibition and Panel processes, covering the detail of the Statements of Significance and the citations. These have enhanced the Amendment without transforming it, and the Panel supports their inclusion.

General issues

The Panel addressed the general issues raised by the two opposing submitters - whether property value and financial implications of increased maintenance costs are relevant when deciding whether to apply the Heritage Overlay, and whether the Heritage Overlay imposes excessive restrictions on property owners. It concludes that the focus of the Amendment is the heritage

significance of each place, and matters such as property values, maintenance costs and excessive restrictions are not matters that relate to the Amendment stage of the planning process.

Individual heritage places

Regarding the individual heritage places that were the subject of submissions, the Panel concludes:

- 257 Heidelberg Road, Northcote has sufficient heritage significance to justify applying the Heritage Overlay (HO322), with an amendment to the Statement of Significance
- The HO323 273-289 Heidelberg Road, Northcote Statement of Significance should be amended to acknowledge the landscape contribution of the remaining eucalyptus trees to the overall site
- 607 Heidelberg Road, Alphington has sufficient heritage significance to justify the application of the Heritage Overlay HO326, with an amendment to the Statement of Significance to clarify changes that have been made to the place.

The Heidelberg Road Heritage Assessment- Final Report (September 2020) place citations should be amended to reflect amendments to the Statements of Significance and other changes identified in the heritage evidence of Kim Roberts. The amended version date should be updated in the Schedule to Clause 72.08.

Recommendations

Based on the reasons set out in this Report, the Panel recommends that Darebin Planning Scheme Amendment C203dare be adopted as exhibited, subject to the following:

- 1. Amend 257 Heidelberg Road, Northcote (Residence) Statement of Significance to clarify how the cypresses demonstrate typical garden designs of the 1940s at Criterion D.**
- 2. Amend 273-289 Heidelberg Road, Northcote (Church of Jesus Christ of the Latter-day Saints, Northcote) Statement of Significance to acknowledge the landscape contribution of the remaining eucalyptus trees to the overall site at Criterion D.**
- 3. Amend 607 Heidelberg Road, Alphington (Kia Ora) Statement of Significance to clarify:**
 - the date of the rear extension (pre-1968)
 - that the extant tiled roof is not original and has replaced original slate roofing
 - that the tessellated verandah flooring has been removed
 - the change to the site boundary and installation of the extant low brick fence following the widening of Heidelberg Road (post-1969).
- 4. Adopt a revised version of the 2020 Context report including updated citations.**

1 Introduction

1.1 The Amendment

The purpose of the Amendment is to apply the Heritage Overlay (HO) to seven individual properties along the Heidelberg Road corridor (Figure 1) in Northcote, Fairfield and Alphington identified within the Context authored *Heidelberg Road Heritage Assessment - Final Report* (September 2020) on a permanent basis.

Specifically, the Amendment proposes to:

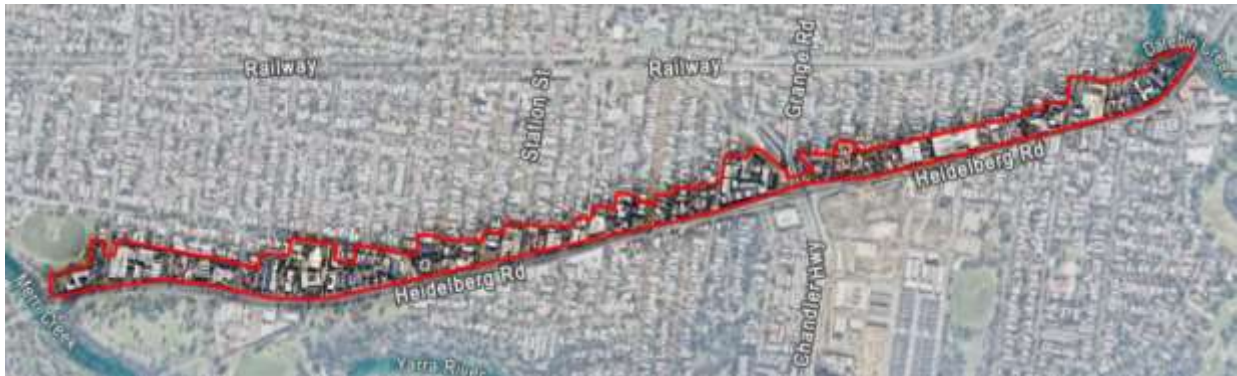
- amend the Schedule to Clause 43.01 (Heritage Overlay) and Planning Scheme Map 17HO and 18HO to apply the Heritage Overlay (HO319, HO321, HO322, HO323, HO324, HO325 and HO326) to seven identified properties (as shown in Table 1) along the Heidelberg Road corridor.
- amend the Schedule to Clause 72.04 (Documents Incorporated in this Planning Scheme) to include the updated incorporated document City of Darebin heritage study Incorporated Plan – permit exemptions (2011, amended 2021) and include the Statements of Significance for each of the seven properties.
- amend the Schedule to Clause 72.08 (Background documents) to reference the *Heidelberg Road Heritage Assessment report - Final Report* (September 2020).

Table 1 Exhibited heritage places and submissions received

HO Reference	Place	Criteria (a)	Submission No.
HO319	331-333 Heidelberg Road, Northcote (former residence)	A, D, E	
HO321	159-179 Heidelberg Road, Northcote (former Fairfield Hat Mills Complex (later Department of Aircraft Production Branch)	A, D	
HO322	257 Heidelberg Road, Northcote (residence)	A, D, E	3
HO323	273-289 Heidelberg Road, Northcote (Church of Jesus Christ of the Latter-day Saints, Northcote)	A, D, G	2
HO324	441 Heidelberg Road, Fairfield (Marineuie Court)	A, D, E	
HO325	521 Heidelberg Road, Alphington (residence)	A, D	
HO326	607 Heidelberg Road, Alphington (Kia-Ora)	A, D, E	4

(a) Model criteria specified in Planning Practice Note 1 (see Chapter 2.4)

Source: Planning Panels Victoria

Figure 1 Heidelberg Road study area

Source: Context, Heidelberg Road Heritage Assessment – Final Report (September 2020), p. 4

1.2 Background

Darebin City Council (Council) provided the context for the Amendment in the Explanatory Report and its Part A submission to the Panel.

A key element of the Amendment is the location of the Heidelberg Road corridor on the border of the Darebin and Yarra local government areas. In 2019, Council with Yarra City Council jointly researched the planning context of Heidelberg Road between Merri and Darebin Creeks, including existing planning controls, development applications and built form conditions, resulting in the preparation of a draft Local Area Plan and Built Form Framework for the corridor.

Council's Part A submission outlined the steps leading to the preparation of the Amendment:

For Darebin, there is a focus on several precincts that are largely zoned for industrial use (IN3Z), with a commercial (C1Z) precinct located at the eastern end of the study area in Alphington. Industrial land does not permit residential uses, and this generally limits the scale of development on these sites. A public acquisition overlay (PAO1) also limits development potential by reserving the site frontage for the purposes of road widening, to a depth of 11m to 13m.

Broad community engagement and consultation occurred between June and August 2021. The community's views on the Heidelberg Road Heritage Assessment were canvassed along with other documents that form the Local Area Plan and Built Form Framework. The engagement findings around heritage yielded a broad level of community support.

In September 2021, Council decided to commence an amendment to apply heritage overlay protection to the identified locally significant places.

Heritage consultants GML Heritage (formerly Context) were engaged by Council to carry out the Heidelberg Road Heritage Assessment 2020..., which forms the basis of the Amendment and recommends the ...properties [that] meet the highest 'individually significant' local heritage grading for inclusion in a permanent heritage overlay in the Darebin Planning Scheme ...

At its Planning Committee meeting on 9 August 2021, Council resolved to protect 331- 333 Heidelberg Road, Northcote from impending demolition via Planning Scheme Amendment C200dare. The Minister for Planning approved C200dare and the property is now protected by an interim Heritage Overlay in the Darebin Planning Scheme on a temporary basis until 30 October 2022.¹

The Amendment proposes to apply the heritage controls on a permanent basis.

¹ Council Part A submission, p. 2-3

The Part A submission also described the Council decisions relating to the Amendment:

- Council, 26 April 2021: Seek community engagement relating to planning responses for the Heidelberg Road corridor
- Planning Committee, 9 August 2021: Request the Minister to approve Amendment C200dare to introduce interim heritage controls
- Council, 27 September 2021: Endorse the Context report on Heidelberg Road Heritage Assessment (September 2020) and request the Minister to authorise the preparation and exhibition of Amendment C203dare.

Authorisation to prepare and exhibit the Amendment was received on 19 October 2021, subject to recommendations relating to minor revisions of the Explanatory Report, the Instruction Sheet and format of the statements of significance.

1.3 Procedural issues

At the Directions Hearing, the hearing date was set for 13 July 2022. On 14 June 2022, Council sought a postponement until 20 July 2022, because it had another Panel hearing on the same date. The Panel agreed to the postponement.

On 23 June 2022, Council requested a delay to the circulation of its Part A submission to align with the change of Hearing date. The Panel agreed to the request and modified the dates for circulation of the Part A and Part B submissions and the expert evidence, with a direction to include details of the changes on Council's website.

1.4 Summary of issues raised in submissions

Two of the submissions supported the implementation of heritage controls, one of which requested consideration of heritage protection for mature eucalypt trees within the property.

The main areas of concern in the two submissions that opposed the Amendment included:

- general issues applying to heritage controls
 - impacts on property values and maintenance costs
 - unfair restrictions on development
- issues relating to the heritage merits of individual properties
 - alterations to the property (Submissions 3 and 4)
 - changes in the character of the neighbourhood (Submission 4)
 - limits on the potential for energy efficiency improvements (Submission 4)
 - state of repair of the property (Submission 4)
 - coverage of the HO (Submission 3).

1.5 The Panel's approach

The Panel has assessed the Amendment against the principles of net community benefit and sustainable development, as set out in Clause 71.02-3 (Integrated decision making) of the Planning Scheme.

The Panel considered all written submissions made in response to the exhibition of the Amendment, observations from site visits, and submissions, evidence and other material presented to it during the Hearing. It has reviewed a large volume of material, and has had to be selective in referring to the more relevant or determinative material in the Report. All submissions

and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the Report.

This Report deals with the issues under the following headings:

- Planning context
- General issues
- Individual heritage places
- Modifications to the citations.

2 Planning context

2.1 Planning policy framework

Council submitted that the Amendment is supported by various clauses in the Planning Policy Framework, which the Panel has summarised below.

Victorian planning objectives

The Amendment will implement section 4 of the *Planning and Environment Act 1987* (the PE Act):

- To provide for the fair, orderly, economic and sustainable use, and development of land.
- To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.
- To balance the present and future interests of all Victorians.
- To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.

Planning Policy Framework

The Amendment supports:

- **Clause 15.03-1S** (Heritage conservation) which seeks to ensure the conservation of places of heritage significance. Relevant strategies are:
 - Identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme.
 - Provide for the protection of natural heritage sites and man-made resources and the maintenance of ecological processes and biological diversity.
 - Provide for the conservation and enhancement of those places which are of aesthetic, archaeological, architectural, cultural, scientific, or social significance.
 - Encourage appropriate development that respects places with identified heritage values.
 - Retain those elements that contribute to the importance of the heritage place.
 - Encourage the conservation and restoration of contributory elements.
 - Ensure an appropriate setting and context for heritage places is maintained or enhanced.

Clause 21 (the Municipal Strategic Statement)

The Explanatory Report stated that the Amendment is consistent with the Municipal Strategic Statement by supporting Clause 21.02-4 (Heritage) within the Local Planning Policy Framework of the Darebin Planning Scheme. Under this clause, the Amendment supports and is consistent with Objective 1 - Heritage Places and Areas:

- To ensure that places and areas of cultural and natural heritage significance are conserved and enhanced.

Strategies under Clause 21.02-4 (Heritage) include:

- Discourage demolition or relocation of locally significant heritage buildings.
- Encourage appropriate use of heritage places in keeping with heritage significance.

The Explanatory Report concluded that the Amendment “*will assist in conserving Darebin’s built heritage while not significantly impacting upon the broader housing development objectives of the municipality*”.

2.2 Other relevant planning strategies and policies

(i) Plan Melbourne

Plan Melbourne 2017-2050 sets out strategic directions to guide Melbourne’s development to 2050 to ensure it becomes more sustainable, productive and liveable as its population approaches

8 million. It is accompanied by a separate implementation plan that is regularly updated and refreshed every five years.

Plan Melbourne is structured around seven Outcomes, which set out the aims of the plan. The Outcomes are supported by Directions and Policies, which outline how the Outcomes will be achieved. The following are relevant to the Amendment:

- **Outcome 4:** Melbourne is a distinctive and liveable city with quality design and amenity
 - **Direction 4.4:** Respect Melbourne's heritage as we build for the future
 - **Policy 4.4.1:** Recognise the value of heritage when managing growth and change
 - **Policy 4.4.4:** Protect Melbourne's heritage through telling its stories.

2.3 Planning scheme provisions

The HO purposes include:

-
- To conserve and enhance heritage places of natural or cultural significance.
- To conserve and enhance those elements which contribute to the significance of heritage places.
- To ensure that development does not adversely affect the significance of heritage places.
- To conserve specifically identified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.

The HO requires a planning permit to demolish, subdivide, build or carry out works. The HO enables its Schedule to specify additional controls for specific trees, painting previously unpainted surfaces, internal alterations and an incorporated plan (which may exempt buildings and works and other changes from requiring a planning permit). The Schedule may also identify if a place can be considered for uses that are otherwise prohibited, subject to a planning permit.

2.4 Ministerial Directions and Practice Notes

Ministerial Directions

The Explanatory Report discusses how the Amendment meets the relevant requirements of:

- Ministerial Direction 11 (Strategic Assessment of Amendments)
- Ministerial Direction (The Form and Content of Planning Schemes pursuant to section 7(5) of The Act) – referred to as Ministerial Directions 7(5) in this Report.

That discussion is not repeated here.

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

Planning Practice Note 1: Applying the Heritage Overlay (August 2018)(PPN01) provides guidance about using the Heritage Overlay. It states that the HO should be applied to, among other places:

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

PPN01 specifies that documentation for each heritage place needs to include a Statement of Significance that clearly establishes the importance of the place and addresses the heritage criteria. It recognises the following model criteria (the Hercon criteria) that have been adopted for assessing the value of a heritage place:

- Criterion A:** Importance to the course or pattern of our cultural or natural history (historical significance).
- Criterion B:** Possession of uncommon rare or endangered aspects of our cultural or natural history (rarity).

- Criterion C:** Potential to yield information that will contribute to an understanding of our cultural or natural history (research potential).
- Criterion D:** Importance in demonstrating the principal characteristics of a class of cultural or natural places or environments (representativeness).
- Criterion E:** Importance in exhibiting particular aesthetic characteristics (aesthetic significance).
- Criterion F:** Importance in demonstrating a high degree of creative or technical achievement at a particular period (technical significance).
- Criterion G:** Strong or special association with a particular community or cultural group for social, cultural or spiritual reasons. This includes the significance of a place to Indigenous peoples as part of their continuing and developing cultural traditions (social significance).
- Criterion H:** Special association with the life or works of a person, or group of persons, of importance in our history (associative significance).

2.5 Heidelberg Road Heritage Assessment - Final Report (September 2020)

In April 2020, Context (now GML Heritage) was engaged by Council to assess the heritage significance of places along Heidelberg Road. This led to the preparation of Heidelberg Road Heritage Assessment – Final Report (September 2020), and ultimately the Amendment.

The Heidelberg Road Heritage Assessment – Final Report (September 2020) provides details of the methodology, findings and recommendations of the heritage study. It covers the contextual history of the area, preliminary assessment of proposed sites, and detailed assessment and citations for the seven sites recommended for heritage protection.

2.6 Discussion and conclusion

The Panel concludes that there is State and local justification for the protection of heritage along Heidelberg Road. It considers the Heidelberg Road Heritage Assessment – Final Report (September 2020) to be rigorous, comprehensive and consistent with *Planning Practice Note 1*.

The Panel also accepts that the Amendment was exhibited appropriately, and that work subsequently carried out to respond to submissions led to its enhancement. It therefore considers that the Amendment is strategically justified.

For the reasons set out in the following chapters, the Panel concludes that the Amendment is supported by, and implements, the relevant sections of the PPF, and is consistent with the relevant Ministerial Directions and Practice Notes. The Amendment is well founded and strategically justified, and should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

3 General issues

This chapter refers to issues which apply across more than one individual place.

3.1 Property value and maintenance costs

(i) The issue

The issue is whether property value and financial implications of increased maintenance costs are relevant when assessing heritage significance or when deciding whether to apply the HO.

(ii) Evidence and submissions

The two opposing submissions both raised concerns that implementation of the HO would impose unwarranted additional costs.

Submission 3 stated:

Maintaining this property in the future will become difficult and costly. We believe it will be very difficult to find the materials we would require to keep the house authentic. Who is to pay for the upkeep and maintenance of a Heritage listed property if we cannot afford to do so? ...

A Heritage Overlay places unfair restrictions on our family in terms of what can or cannot be done. Whilst it is some people's opinion that house properties with an overlay can increase we believe it is not the case here. The house itself is only two bedrooms, one bathroom with an outside laundry. It has had rooms added to accommodate the number of people who have lived in it in the past. We imagine the cost of renovating the inside will be extremely expensive if a Heritage Overlay is placed on it. It has had rooms added to accommodate the number of people who have lived in it in the past. We imagine the cost of renovating the inside will be extremely expensive if a Heritage Overlay is placed on it.

Submission 4 provided a similar view:

Our family home at 607 Heidelberg Rd. Alphington is not the property which I purchased 58 years ago. It would be optimistic to think that in the future, someone would buy it purely to restore and renovate due to its location. The economic implications for owners of properties with a heritage overlay cannot be offset against the benefits of the community.

In its Part B submission, Council cited numerous Panel reports that had addressed the issue, including Latrobe C14 (May 2010), Frankston C53 (June 2010), Buloke C14 (July 2011), Southern Grampians C6 (March 2009), Moreland C129 (January 2013), Whitehorse C157 (May 2015) and Melbourne C207 (January 2014). These reports considered that the Amendment process should focus on the heritage merits of the place, leaving the consideration of elements such of impacts on maintenance costs or development opportunities to later stages of the planning process. They all concluded that property-specific financial considerations should not be taken into account at the Amendment stage, but are relevant at the permit application stage.

In her heritage evidence, Kim Roberts focused on the heritage significance of places:

In my evidence, I will respond only to issues related to the heritage significance of the places, such as their inherent physical characteristics, building typology, intactness (and condition where this impacts upon intactness), history and comparison to other places. I will generally not respond to issues that are not associated with confirming the heritage significance of the places and which would be better assessed as part of a planning permit

application should they be added to the Heritage Overlay. Such issues include maintenance costs, property value or future development plans.²

(iii) Discussion

The Panel accepts that its role is to assess the heritage merits of the Amendment, not to consider the matters which may be balanced against those heritage considerations in subsequent planning permit processes. This approach separates two distinct issues: assessment of the heritage significance of the place, and the question of its conservation, adaptation, alteration or demolition. Consideration of the Amendment focuses on long term matters of heritage significance, while shorter term matters such as property values and maintenance costs should be considered when they are relevant.

While there may be alternative views regarding the impact of implementation of an HO on property values or maintenance costs, this is therefore not relevant to consideration of the Amendment.

This is also consistent with PPN01, which outlines the range of places that should be included in the HO. These include *“Places identified in a local heritage study, provided the significance of the place can be shown to justify the application of the overlay”*³. The focus is entirely on the determination of heritage significance, not on other matters such as property values.

The issue for the Panel is therefore whether each place meets the criteria for heritage significance to justify inclusion in the Amendment.

(iv) Conclusion

The Panel concludes that that property value and financial implications are not relevant when assessing heritage significance or when deciding whether to apply the HO.

3.2 Unfair restrictions on property owners

(i) The issue

The issue is whether application of the HO imposes unfair restrictions on the rights of property owners.

(ii) Evidence and submissions

The two opposing submissions expressed concern about the unfair nature of the restrictions imposed by the application of the HO.

Submission 3 expressed the view that:

A Heritage Overlay places unfair restrictions on our family in terms of what can or cannot be done. Whilst it is some people's opinion that house properties with an overlay can increase we believe it is not the case here.

Submission 4 concurred, with considerable intensity:

While the proposal to impose a heritage overlay on a property has some advantages for the community, as individual homeowners, we feel that the planning authority and Council is exercising excessive levels of control and not considering our rights as the property

² Kim Roberts, GML Heritage, *Darebin C203dare Statement of Evidence*, July 2022, p. 11

³ Planning Practice Note 1, *Applying the Heritage Overlay* (August 2018), p. 1

owners... The proposal to place a heritage overlay on our house is unfair and entails unfair implications therefore we strongly recommend that the Council's intention to do so is reconsidered ...

Proposing a heritage overlay complete with its implications without fully understanding the state of the building or considering one's potential financial losses is also ludicrous and impudent. It is at best, an example of panicked, restorative behaviour on behalf of the planning bodies.

In proposing and implementing heritage controls, a balance needs to be established which takes into consideration property rights, individual freedom and fairness.

In its Part B submission, Council recognised that the HO imposed additional constraints on property owners, but argued that these were necessary to protect heritage:

Council acknowledges that the HO introduces another layer of control for property owners. Council accepts that a planning control which imports additional permit triggers and relevant considerations will add to the planning controls applying to these submitters' properties. However, in Council's submission, the HO is necessary to ensure that those places with the requisite level of heritage value are recognised and appropriately managed...

When balancing the merits of heritage regulation against other issues raised in the submissions, it is important to remember that heritage significance is an enduring and long term concern, whereas matters of development potential, building condition, economic matters or current or mooted planning approvals are by contrast short-term in nature.⁴

(iii) Discussion

The application of the HO is an important element in the planning system's role in protecting heritage. This does not mean that other factors such as development opportunities become redundant if property owners wish to consider changes to their properties, but that the heritage considerations must be taken into account if a planning permit is required. The HO does not impinge on the owner's right to alter the building interior or to conduct general external maintenance, which would not require a permit.

The issue of fairness also requires a wider context. Failure to protect heritage also raises the issue of inter-generational fairness at a community level, and the loss of heritage may result in a loss of net community benefit. This does not mean that the rights of owners are irrelevant, just that their interests should be balanced with long term community interests.

(iv) Conclusion

The Panel concludes that the HO does impose additional restrictions on property owners, but these can be justified in the circumstances when places meet the criteria for heritage protection.

⁴ Council Part B submission, p. 9

4 Individual heritage places

4.1 HO322: 257 Heidelberg Road, Northcote

Exhibited Statement of Significance



What is significant?

257 Heidelberg Road, Northcote, a single-storey cream face brick residence, built c.1948-49 for the owner Beniamino Bortolussi, is significant.

Significant fabric includes the:

- original built form, roof and scale of the residence and separate garage;
- unpainted brick surfaces and decorative brickwork, pattern of fenestration;
- chimney, and steel framed windows including the curved glass to the corner windows;
- low masonry brick fence with saw tooth detailing, mild steel panels and gates; and
- front garden and landscaping including the concrete and marble-paved driveway and footpath; and
- two cypresses by the gate.

How is it significant?

257 Heidelberg Road, Northcote, is of local historic, representative and aesthetic significance to the City of Darebin

Why is it significant?

257 Heidelberg Road, Northcote, a single-storey cream face brick residence, built c.1948-49, is historically significant as an example of immediate postwar residential development in Darebin. A major boom commenced in the late 1940s changed the pattern of Darebin's settlement. Over 2,500 new private houses were built in the municipality between 1949 and 1954, to meet the increasing demands for housing. The building reflects the massive postwar boom and suburban expansion that characterises Darebin's postwar development. **(Criterion A)**

257 Heidelberg Road, Northcote is of representative significance, for its design characteristic of the late 1940s domestic architecture. Severe shortages of building materials and increased labour costs meant that architect-designed economic housing became favoured by new homeowners. House plans published in popular magazines and design handbooks provided solutions to maximise the efficiency of the budget and land size.

The subject residence displays the defining elements of the early postwar houses influenced by Interwar Moderne style that was popular for the interwar domestic architecture and carried onto 1950s. The

elements highly characteristic of the type include its cube forms juxtaposed with curves; horizontal emphasis to the façade through its use of bands of different coloured brickwork; tall chimney that acts as a strong vertical element; relatively formal garden and landscaping of the front setback; and low masonry fence with mild steel panels and gates. These are defining elements of the late 1940s examples that developed out of the Moderne Style of the 1930s and was popular during the immediate postwar period.

(Criterion D)

257 Heidelberg Road, Northcote is also aesthetically significant, distinguished by its high intactness and integrity as well as its use of well-detailed elements that reflect the influences of Moderne style architecture adapted for late 1940s residences. Key elements include the curved corner windows with curved glass and deep eave overhangs, recessed bands of slim dark coloured brickwork and its unusually proportioned and detailed chimney. The overall brickwork and refinement of detail in the design are evidence of a high level of craftsmanship. The brickwork incorporating face cream, brown and dark red bricks, curved corners laid in header course, sawtooth detail to the fence's brick capping, piers with stepped tops and curved corners to the driveway opening all bring interest and textural depth to the elevations achieved through the adaptation of cheap building materials under the Government's building restrictions.

The front garden also features distinctive features. The driveway is paved with large custom-made brown concrete panels with a raised edge on one side that forms the edge of the garden bed. There is a brown concrete strip inserted with irregular-cut marble pieces in the middle of the driveway, which reflects the property's association with the first owner Beniamino Bortolussi, granolithic and marble contractor. Other landscaping elements that are consistent with the style include the narrow garden bed that is covered with aggregate gravels and wraps around the front lawn; cypresses planted on either side of the gate; and various ornamental plants including tapestry hedge and standard roses in the front garden. **(Criterion E)**

(i) The issue

The issue is:

- does the heritage value of the property justify its inclusion in the Heritage Overlay (HO322)?

(ii) Evidence and submissions

Submission 3 strongly opposed placing an HO on the property at 257 Heidelberg Road, Northcote.

The submission raised the issues of extra cost of maintenance and unfair limitations placed on the use of the property, as discussed in Chapter 3. It also covered the following matters:

Alterations to the place

Submission 3 referred to the altered state of the building:

The house is not in its original condition with numerous add-ons and modifications having been made. Many of the original fittings and features have been altered thereby reducing the heritage significance of the property.

In her evidence, Kim Roberts noted that:

When inspected from the street, the primary elevation fronting Heidelberg Road appears highly intact, with no obvious additions or alterations readily visible. Our integrity statement provided in the citation acknowledges the rear addition which is not visible from public domain ...

I uphold the view articulated in the place citation that the house maintains a high degree of intactness as perceived from the street. It retains its original fabric and stylistic indicators, including:

- unpainted brick surfaces and decorative brickwork
- hipped roof and chimney
- pattern of fenestration and steel-framed windows including the curved glass to the corner windows
- low masonry brick fence with saw tooth detailing, mild steel panels and gates

- landscaping to the front garden that is consistent with the house period and style.⁵

In its Part B submission, Council argued that the issue of building condition is not relevant at the Amendment stage. It cited the Panel reports for Amendment C284 to the Boroondara Planning Scheme (October 2019) and Amendment C245 to the Yarra Planning Scheme (May 2020), which concluded that structural integrity or condition of a building should not be a criterion for assessing heritage significance.

On this matter, its recommendation to this Panel was:

Consistent with the approach of the C284 and C245 Panels, the Panel should proceed on the basis that building condition is not relevant to assessing the heritage significance of an individual property at this stage of the planning process. This is also necessary as there has been no technical evidence provided to Council or before Panel confirming irrevocably poor structural condition.

This approach is also consistent with Applying the Heritage Overlay Practice Note which does not include building condition as a relevant criterion for assessing heritage significance.⁶

Coverage of the Overlay

Submission 3 questioned the extent of the HO, such as whether it covers the whole house or just the façade. It also expressed concern that the Amendment should not cover the garage, the front fence or the cypress trees:

The fence has many large cracks which will need to be repaired. We cannot guarantee that this work/repair will be done or, in fact, done in the same way to keep its original appearance. The cypress trees are not native trees and, in fact, hinder the view of a driver reversing from the driveway. We question why a heritage overlay would be placed on a plant that has little or no significance, is not native and, in this case, is dangerous and not in good health.

In her evidence, Kim Roberts supported continued coverage of the garage, fence and cypress trees:

The fence and garage retain a good level of intactness and integrity. The original low masonry front fence with mild steel panels and gates, and original cream brick garage, are identified as significant elements and as such an additional control has been proposed (Fences and Outbuildings control). Future changes to these elements would require a planning permit unless they purely constituted repairs and maintenance.

Being part of the original garden design (developed through to the 1960s), the cypresses are identified as elements that contribute to the significance of the place under 'What is significant?' in the Statement of Significance.⁷

Regarding the issue of whether the HO should cover just the façade, Kim Roberts cited PPN01 that recommends that the whole site is included in the HO to provide adequate protection of the setting and associated land into the future.

She recommended that minor changes should be made to the Statement of Significance (Criterion D) to clarify how the cypresses demonstrate typical garden designs of the 1940s.

⁵ Kim Roberts, GML Heritage, *Darebin C203dare Statement of Evidence*, July 2022, p. 21

⁶ Council Part B submission, p. 6

⁷ Kim Roberts, GML Heritage, *Darebin C203dare Statement of Evidence*, July 2022, p. 23

(iii) Discussion

Alterations to the place

The Panel does not accept the position that building alterations are irrelevant to consideration of heritage significance. Council's own reference to "*irrevocably poor structural condition*" implies that there can be circumstances when there is little to protect.

However, this is clearly not the case with 257 Heidelberg Road, Northcote. The house retains a high degree of intactness, despite the changes that have taken place over several decades. Many places will incur modifications, but these are not likely to be relevant in consideration of the eight criteria for heritage assessment outlined in PPN01.

The Statement of Significance proposes that the criteria for inclusion of 257 Heidelberg Road, Northcote include Criterion A (historical significance), Criterion D (representativeness) and Criterion E (aesthetic significance). The alterations to the place do not detract from any of these.

Coverage of the Overlay

The Panel accepts the need for the HO to cover the whole property, especially in the suburban context of Darebin City. This aligns with PPN01:

The Heritage Overlay applies to both the listed heritage item and its associated land. It is usually important to include land surrounding a building, structure, tree or feature of importance to ensure that any development, including subdivision, does not adversely affect the setting, context or significance of the heritage item ... In many cases, particularly in urban areas and townships, the extent of the curtilage will be the whole of the property (for example, a suburban dwelling and its allotment).⁸

The Panel also accepts the references to fence, garage and cypress trees in the Statement of Significance, because they provide important context for the whole site. It also supports refinements to the Statement of Significance (Criterion D) to relating to the cypress trees.

(iv) Conclusion and recommendation

The Panel concludes:

- 257 Heidelberg Road, Northcote has sufficient heritage significance to justify the application of the Heritage Overlay (HO322), with a refinement to the Statement of Significance for Criterion D.

The Panel recommends:

- 3. Amend 257 Heidelberg Road, Northcote (Residence) Statement of Significance to clarify how the cypresses demonstrate typical garden designs of the 1940s at Criterion D.**

⁸ DELWP, *Planning Practice Note 1: Applying the Heritage Overlay*, August 2018, p. 5

4.2 HO323: 273-289 Heidelberg Road, Northcote

Exhibited Statement of Significance



What is significant?

Church of Jesus Christ of the Latter-day Saints complex at 273-289 Heidelberg Road, Northcote, comprising the c.1958 chapel and recreation hall building fronting Heidelberg Road and the c.1974- 78 new chapel fronting Westgarth Street, is significant.

Significant fabric includes the:

- original form and scale of the c.1958 chapel and recreation hall building, including its simple rectangular form, very low-pitched roof form and its asymmetric composition of the horizontal and vertical elements of hall, rectangular tower and landscaped quadrangle;
- elements that reflect the Modernist ecclesiastic designs of the c.1958 building produced by the Church of Jesus Christ of the Latter-day Saints' Building Division in Utah, United States, including the original orange face brick cladding, full-height metal-frame windows, clerestory windows and steel universal columns supporting projecting eaves on the Heidelberg Road elevation;
- original form and scale of the c.1974-78 chapel, including its basilica-like plan and four-wings with low-pitched gables;
- elements that reflect the Modernist ecclesiastic designs of the c.1974-78 building produced by the Church of Jesus Christ of the Latter-day Saints' Building Division in Utah, United States, including original cream face brick cladding and decorative brick and concrete panelling, pattern of fenestrations as well as the tower; and
- other original landscaping elements including the lawn and brick paving on the Heidelberg Road set back, brick paving of the quadrangle, brick garden beds built as part of the c.1958 building scheme, and early signages on the c.1958 building and in front of the c.1974-78 chapel including the dwarf brick wall.

How is it significant?

Church of Jesus Christ of the Latter-day Saints complex at 273-289 Heidelberg Road, Northcote, is of local historic, representative and social significance to the City of Darebin.

Why is it significant?

273-289 Heidelberg Road, Northcote, is historically significant as a church complex consisted of a c.1958 chapel and recreation hall building fronting Heidelberg Road and a c. 1974-78 chapel fronting Westgarth Street, established for the Church of Jesus Christ of the Latter-day Saints (LDS Church) in 1958. The earlier building was built c. 1958 most likely to designs prepared by Arnold Ehlers and A. Neff Taylor in conjunction

with the (Mormon) Church Architectural Department. Experiencing rapid growth nationally in the post-war period, the church underwent an unprecedented expansion program in all States of Australia between 1956 and 1958, in which 19 chapels and additions to existing sites were undertaken. The Church officials at Utah, United States oversaw the entire building program, from the selection of sites to design details and functionality. The subject site would have been ideal for the church, as a new boom commenced in Darebin in the late 1940s with more than 2,500 new private houses and some large Housing Commission of Victoria estates were established between 1949 and 1954.

As a complex, 273-289 Heidelberg Road demonstrates the evolution of design aesthetics of the Building Division of the LDS church, where, unlike many other denominations, established a standardised church designs produced by the church's Building Division and repeated around the world. The pre-standard plan building built c. 1958, comprising a chapel and a multipurpose room, was based on the Church's primitive prototype that formed the basis for the development of standard plans after the 1950s. The c. 1958 building is tangible evidence of the last era of custom-design meetinghouses, as one of 19 churches built in that period across Australia. The later c. 1974-78 building displays the elements of more standardised church designs that were repeated in churches built in the 1970s. Gable roofs with sprawling wings, almost always accompanied by the rectangular asymmetrically placed tower form were key characteristics of the standard-plan designs. **(Criterion A)**

273-289 Heidelberg Road, Northcote, is of representative significance for both the c.1958 and c.1974- 78 buildings' adoption of Modernist and Late-Twentieth Century Ecclesiastical style idioms. The representative elements include a restrained material palette of brick cladding and steel window frames and details. A linear, box-like horizontal and vertical massing of rectangular forms and simple rectangular tower (the c. 1958 building); and adapted traditional basilica-like plans, asymmetrically placed vertical tower form and linear, box-like massing (the c. 1974-78 building) echo the widely popular Late-Twentieth Century Ecclesiastical style architecture. **(Criterion D)**

The Church of Jesus Christ of the Latter-day Saints still operates today as a place of worship. The community centre houses Family History Centre, a branch of the Family History Library in Salt Lake City, Utah. The subject complex is of social significance to the City of Darebin, for its continued association with the church community. **(Criterion G)**

(i) The issue

Submission 2 was supportive of the Amendment and its application to the Church of Jesus Christ of the Latter-day Saints at 273-289 Heidelberg Road, Northcote, but wished to introduce measures to protect mature eucalypt trees at the site.

The issue is:

- should the tree controls be introduced or the Statement of Significance modified to include reference to protection of mature eucalypt trees on the site?

(ii) Evidence and submissions

Submission 2 supported inclusion of the place within the HO, but flagged a preference to include reference to mature eucalypts on the site within the Statement of Significance:

This site is significant for the built fabric of the structure, but it is also an important green open space that provides passive leisure benefits for the community. Pockets of green space such as this site provide cooling elements for the urban environment, which is essential to healthy urban living in a climate crisis. Council might like to consider including the mature eucalypts on site in the Statement of Significance to protect them, or apply an additional Environmental Significance Overlay or Vegetation Protection Overlay.

Kim Roberts' evidence did not support inclusion of tree controls from a heritage perspective:

Tree controls were not recommended as the trees make little or no contribution to the church's historical or aesthetic significance. However, we agree that the eucalypts overall contribute positively to the visual setting and amenity of the site, particularly the landscape presentation of the Heidelberg Road setback. We also agree that this pocket of green space

makes a positive contribution to the local urban environment and provides amenity benefits for the community.

PPN01 does not recommend application of tree control for trees' amenity value:

- ... the control is designed to protect trees that are of intrinsic significance (such as trees that are included on the National Trust Heritage Register), or trees that contribute to the significance of a heritage place (for example, trees that contribute to the significance of a garden or area). The control is not meant to protect trees for their amenity value. (p.4)

Given that these trees do not directly contribute to the heritage significance of the site it is suggested that other planning measures would be likely to provide more appropriate options for their protection than the Heritage Overlay.⁹

However, she did conclude that the landscape contribution of the trees could be referenced in the Statement of Significance:

I recommend in response to the submission regarding 273-289 Heidelberg Road, Northcote, that minor revisions are made to the description and Statement of Significance of the place citation to acknowledge the landscape contribution of the remaining eucalyptus trees to the overall site.

(iii) Discussion

The Panel agrees that the eucalypts are valuable contributions to the landscape, but do not warrant protection because of their heritage value. If appropriate, other planning tools should be used to protect their significance.

(iv) Conclusions and recommendations

The Panel concludes:

- The Statement of Significance for HO323 should be amended to acknowledge the landscape contribution of the remaining eucalyptus trees to the overall site.

The Panel recommends:

- 4. Amend 273-289 Heidelberg Road, Northcote (Church of Jesus Christ of the Latter-day Saints, Northcote) Statement of Significance to acknowledge the landscape contribution of the remaining eucalyptus trees to the overall site at Criterion D.**

⁹ Kim Roberts, GML Heritage, *Darebin C203dare Statement of Evidence*, July 2022, p.16-17

4.3 HO326: 607 Heidelberg Road, Alphington

Exhibited Statement of Significance



What is significant?

607 Heidelberg Road, Alphington, a single storey brick residence built in 1903 for Walter Foreman, is significant. Significant fabric includes the:

- original (1903) and early (c.1918) form and scale, terracotta tiled roof, chimneys and verandah roof form;
- red face brick surfaces, decorative cream brick banding and roughcast surfaces;
- pattern of fenestration, timber-framed windows and doors; and
- timber gable strapping and timber eave brackets, stringcourse label mould.

How is it significant?

607 Heidelberg Road, Alphington, is of local historic, representative, and aesthetic significance to the City of Darebin.

Why is it significant?

Kia-Ora at 607 Heidelberg Road, Alphington, is of historical significance for its representation of the development of Darebin and its growing prestige of Alphington as a residential area in the twentieth century. The substantial size of the allotment and fine architectural detailing of the house reflect the elevated status of the area. This is further reflected in the building's association with Benjamin Barrington Bank Sibthorpe (occupant from 1903 and owner from 1914) who was a director of MacRobertson's Pty. Ltd., a well-known confectionery business based in Fitzroy. The construction of this finely detailed villa signals the growing prestige of the area and its desirability to middle class professionals. The house also reflects the area's economic recovery following the economic crash of the 1890s before the start of World War One. **(Criterion A)**

607 Heidelberg Road, Alphington, is of representative significance, for its retention of elements characteristic of Federation era designs incorporating Queen Anne styling. This includes its varied building and roof forms, red face brick surfaces, its pattern of fenestration and window and door joinery, decorative chimneys and ridge cresting. The subject building is a good representative example of a substantial Federation era villa, a typology that is relatively underrepresented in the City of Darebin Heritage Overlay. **(Criterion D)**

607 Heidelberg Road, Alphington, is also aesthetically significant as a fine, early example of the Queen Anne style. Its prominent, three street facing gables with fine architectural detailing, decorative chimneys and ridge cresting and wraparound verandah, demonstrate an Australian adaptation of the picturesque

aesthetic qualities of this style. The substantial corner allotment with a low fence and mature garden setting enhances its aesthetic quality and distinguishes the building's design as a particularly refined example within the City of Darebin. **(Criterion E)**

(i) The issue

The issue is:

- does the heritage value of the property justify its inclusion in the Heritage Overlay (HO326)?

(ii) Evidence and submissions

Submission 4 raised the issues of cost of maintenance and limitations placed on the use of the property, as discussed in Chapter 3.

The issues specific to the property were:

Alterations to the place

The submission outlined a series of alterations to the place since its purchase in 1968, undermining the case for a HO. The evidence of Kim Roberts addressed each of the points regarding building alterations in her evidence, with the Panel's summary shown in Table 2.

Table 2: Alterations to 607 Heidelberg Road: Submission and evidence

Submitter's points	Response of expert witness
The original turned-timber posts and fretwork on the verandah were replaced with iron materials not consistent with the period of the home	The ironwork to the verandah is identified as a later addition in the description, but this change is reversible and does not fundamentally weaken the place's integrity
The tessellated verandah flooring had to be removed and re-concreted but the tiles were never replaced	The tessellated verandah flooring has been removed, and this should be noted in the description of the place. However, this change is not readily visible from the street, is reversible and does not fundamentally weaken the place's integrity
The rounded brick fence and fence posts have gradually tilted and lean so much that both entrance gates are not aligned. In fact, the gate facing Heidelberg Road cannot be opened at all	The general physical condition of the fabric does not impact the analysis of intactness and integrity. The Victorian Heritage Register Criteria and Threshold Guidelines advise that 'Intactness should not be confused with condition – a place may be highly intact but the fabric may be in a very fragile condition' (p.5)
The original slate roofing was removed and the entire roofing material was replaced with tiles, in turn creating maintenance problems	Noted that the original or early slate roofing was replaced with tiles prior to 1968, and the citation and Statement of Significance should be modified accordingly. The existing terracotta tiles are not out of keeping with a house of the type and period, and the restoration of the slate roof would be supported from a heritage perspective

Submitter's points	Response of expert witness
The garden has never been properly landscaped to a suitable design for the period, and requires substantial maintenance. The front garden was acquired by VicRoads to widen Heidelberg Road in 1970 decreasing the home's sense of grandeur	The citation notes that the site was subject to a road widening order in 1968; this should be noted in the site history of the place, and in the description and integrity. There were no significant plants identified at this site, and no tree controls have been proposed. Sufficient curtilage is maintained to support an understanding of the heritage values upheld in the place citation

The evidence of Kim Roberts concluded that the place retains a good level of integrity despite the later changes. She concluded:

- 607 Heidelberg Road is of local significance.
- The place retains a good level of intactness and integrity despite the later changes.
- Minor changes should be made to the citation and Statement of Significance to clarify:
 - the date of the rear extension (pre-1968)
 - that the extant tiled roof is not original and has replaced original slate roofing
 - that the tessellated verandah flooring has been removed
 - the change to the site boundary and installation of the extant low brick fence following the widening of Heidelberg Road (post-1969).¹⁰

Neighbourhood context

The submission noted that surrounding development and infrastructure has affected the significance and liveability of the home, the integrity of which “has been destroyed”. It considered that the house had become “an anomaly amongst a backdrop of modern, multistorey developments”, undermining its heritage value.

The evidence of Kim Roberts considered that the neighbouring developments were significant, but “do not closely encroach on the place or impinge on the ability of the place to illustrate its inherent heritage values. We maintain our view that the place has high integrity”. However, she also noted that the information regarding alterations to the property boundary provided in the submission should be reflected in the citation.¹¹

Limit on energy efficiency:

Submission 4 expressed concern that it is difficult to upgrade the home for modern living, and that is likely that solar panels would not to be able to be seen from the street if the HO is implemented.

The Council response was that environmentally sustainable development and heritage protection are both important, and “generally both can be achieved”.¹² It accepted the position of Kim Roberts that installation of solar panels on key street frontages are generally discouraged, but that matters such as the placement of solar panels can be considered at the permit stage.

In its Part B submission, Council cited Clause 43.01-8 and Clause 65, which require consideration of Council's commitment to environmental sustainability policies in permit applications:

When deciding an application under the HO, the Scheme will require Council to consider these policies, together with other relevant matters such as those arising under the Heritage

¹⁰ Kim Roberts, GML Heritage, *Darebin C203dare Statement of Evidence*, July 2022, p. 3

¹¹ Kim Roberts, GML Heritage, *C203dare Statement of Evidence*, July 2022, p. 28

¹² Council Part B submission, p. 11

Overlay. In Council's view, the Scheme provides an appropriate policy framework for heritage and ESD [Environmentally Sustainable Development] considerations to be balanced at the permit application stage.

This position is also confirmed by Council's experience, in its capacity of the responsible authority under the Act, with administering its existing heritage overlays. Council's statutory planning department has advised that it has not had any situations where the achievement of both heritage and ESD objectives could not be met, and an appropriate balance struck. Both planning policy and practical experience reveal that achieving heritage outcomes is not mutually exclusive to achieving ESD outcomes.¹³

(iii) Discussion

Alterations to the place

The residence at 607 Heidelberg Road, Alphington has been modified over the years, but retains a high degree of intactness. Several of the changes are not clearly visible from the street.

The Statement of Significance proposes that the criteria for inclusion of the property in the HO include Criterion A (historical significance), Criterion D (representativeness) and Criterion E (aesthetic significance). The alterations to the place do not diminish any of these criteria.

The Panel supports modifications to the Statement of Significance and the citation to better reflect alterations which have been implemented over a long period.

Neighbourhood context

Substantial change has taken place in the neighbourhood surrounding 607 Heidelberg Road, Alphington, and this change is likely to continue.

Nevertheless, the Panel concurs with the views of Kim Roberts, that the change in surrounding built form does not impinge on the inherent heritage values of the place. If anything, the change in character of the area reinforces the importance of heritage protection.

Limit on energy efficiency

The Panel recognises the potential conflict between heritage protection and the placement of solar panels within view of the street.

However, it is not the role of the Panel to consider the resolution of the conflict in a particular case. The role of the Panel is to consider the heritage significance of the place, and whether it warrants implementation of the HO. The balancing of support for environmental sustainability with protection of heritage is a matter to be considered at later stages of the planning process – and it is important that both matters should be considered.

The implementation of the HO therefore does not preclude consideration of environmental sustainability, but ensures that heritage protection is part of the permit process.

(iv) Conclusion and recommendations

The Panel concludes:

- The HO326 607 Heidelberg Road, Alphington has sufficient heritage significance to justify the HO, with a refinement to the Statement of Significance to clarify changes that have been made to the place.

¹³ Council Part B submission, p. 12

The Panel recommends:

- 5. Amend 607 Heidelberg Road, Alphington (Kia Ora) Statement of Significance to clarify:**
 - the date of the rear extension (pre-1968)
 - that the extant tiled roof is not original and has replaced original slate roofing
 - that the tessellated verandah flooring has been removed
 - the change to the site boundary and installation of the extant low brick fence following the widening of Heidelberg Road (post-1969).

5 Modifications to the citations

(i) The issue

Following the review of each place to address submissions, the heritage consultants proposed refinements to the original citations, in addition to changes in the statements of significance exhibited within the Amendment.

The issues are:

- How should the refinements be included in the original report that formed the basis of the Amendment?
- What are the implications for the Amendment itself?

(ii) Evidence and submissions

The evidence of Kim Roberts provided 'tracked changes' versions of all the citations, showing proposed modifications in the original 2020 Context report. These covered the adjustments to statements of significance as exhibited in the Amendment (and discussed in Chapter 4 of this report), as well as clarifications and additions regarding the heritage of individual places, and repair of typographical errors.

(iii) Discussion

Although the citations were not explicitly part of the exhibited Amendment, they provide important reference material for those applying for and assessing planning permit applications. Further, there is reference to the original 2020 document in the exhibited Schedule to Clause 72.08: Background Documents, which specifies the September 2020 version of the Context report.

The Panel considers that the refinements are all valid, and do not transform the Amendment itself. Their inclusion within the reference document means that it better reflects the logic of heritage protection in Darebin.

(iv) Conclusions and recommendation

The Panel therefore proposes that Council should prepare and adopt a revised version of the citations in the 2020 Context report when it considers this report. This version should include all the modifications proposed by Ms Roberts in her evidence. It should clearly state that it includes revisions, and is dated as the current relevant version.

This updating will require an amendment to the exhibited Schedule to Clause 72.08, to refer to the updated version of the Heidelberg Road Heritage Assessment- Final Report as a background document.

The Panel recommends:

- 6. Adopt a revised version of the 2020 Context report including updated citations.**

Appendix A Document list

No.	Date	Description	Provided by
1	26/5/2022	Panel directions and timetable (version 1)	Planning Panels Victoria
2	14/6/2022	Email correspondence from Darebin City Council to Planning Panels Victoria requesting a postponement in the hearing date from 13 to 20 July 2022	Darebin City Council
3	14/6/2022	Email response from Planning Panels Victoria approving a postponement in the hearing date from 13 to 20 July 2022	Planning Panels Victoria
4	22/6/2022	Email from Darebin City Council to Planning Panels Victoria requesting a postponement in the dates of submissions of Part A and Part B submissions and expert witness statement	Darebin City Council
5	23/6/2022	Email from Planning Panels Victoria to Darebin City Council approving a postponement in the dates for the submission of Council's Part A and Part B submissions and their expert witness statement	Planning Panels Victoria
6	4/7/2022	Council Part A submission	Darebin City Council
7	4/7/2022	GML Heritage, <i>C203dare Statement of Evidence</i>	"
8	8/7/2022	Provision of unlocked version of GML Heritage, <i>C203dare Statement of Evidence</i>	"
9	18/7/2022	Council Part B submission	"
10	18/7/2022	Map of location of submitters	"