

[REDACTED]

From: [REDACTED]
Sent: Monday, 7 June 2021 4:42 PM
To: Macedon Ranges Shire Council
Cc: [REDACTED]
Subject: planning scheme amendment C127macr

Good Afternoon

Att: Dr Danielle Orr

Just to let you know the on line submission form is not at present functioning thus I cannot make an online submission re [REDACTED].

A couple of items are incorrect and need to be rectified. Ref. [REDACTED] it is not [REDACTED] lined and it is not in the shape of [REDACTED]. (there are some remains) (it supposedly was 100 years ago but is no longer) I would also like a meeting to discuss the submission .

You may be aware that I am at present in the process of selling [REDACTED] so I need to be very clear what this planning amendment means for the property.

Please contact me via email or on [REDACTED] so we can arrange a meeting. Either in your office or on site.

Kind Regards

[REDACTED]

[REDACTED]

From: Leanne Khan
Sent: Monday, 5 July 2021 4:24 PM
To: Dannielle Orr
Subject: FW: Amendment C127 - Macedon Ranges - Objection to the Proposed Heritage Overlay
Attachments: Amendment C127 Macedon Ranges submission - [REDACTED] (2).pdf

From: [REDACTED]
Sent: Monday, 5 July 2021 4:13 PM
To: Strategic Planning <strategicplanning@mrsc.vic.gov.au>
Subject: Amendment C127 - Macedon Ranges - Objection to the Proposed Heritage Overlay

Dear Macedon Ranges Strategic Planning Team,

Please see attached submission.

[REDACTED] are actively against the proposal to place a heritage listing on the site at [REDACTED].

This site is of strategic importance to the organisation and the attachment of this overlay to the site will prevent further investment into the area and the ability to grow our organisation.

We don't agree with the premise of the consultancy report, considering that the [REDACTED] building is in keeping with the rest of the street and that not all properties have been included in the Heritage Overlay.

Kind Regards

[REDACTED]

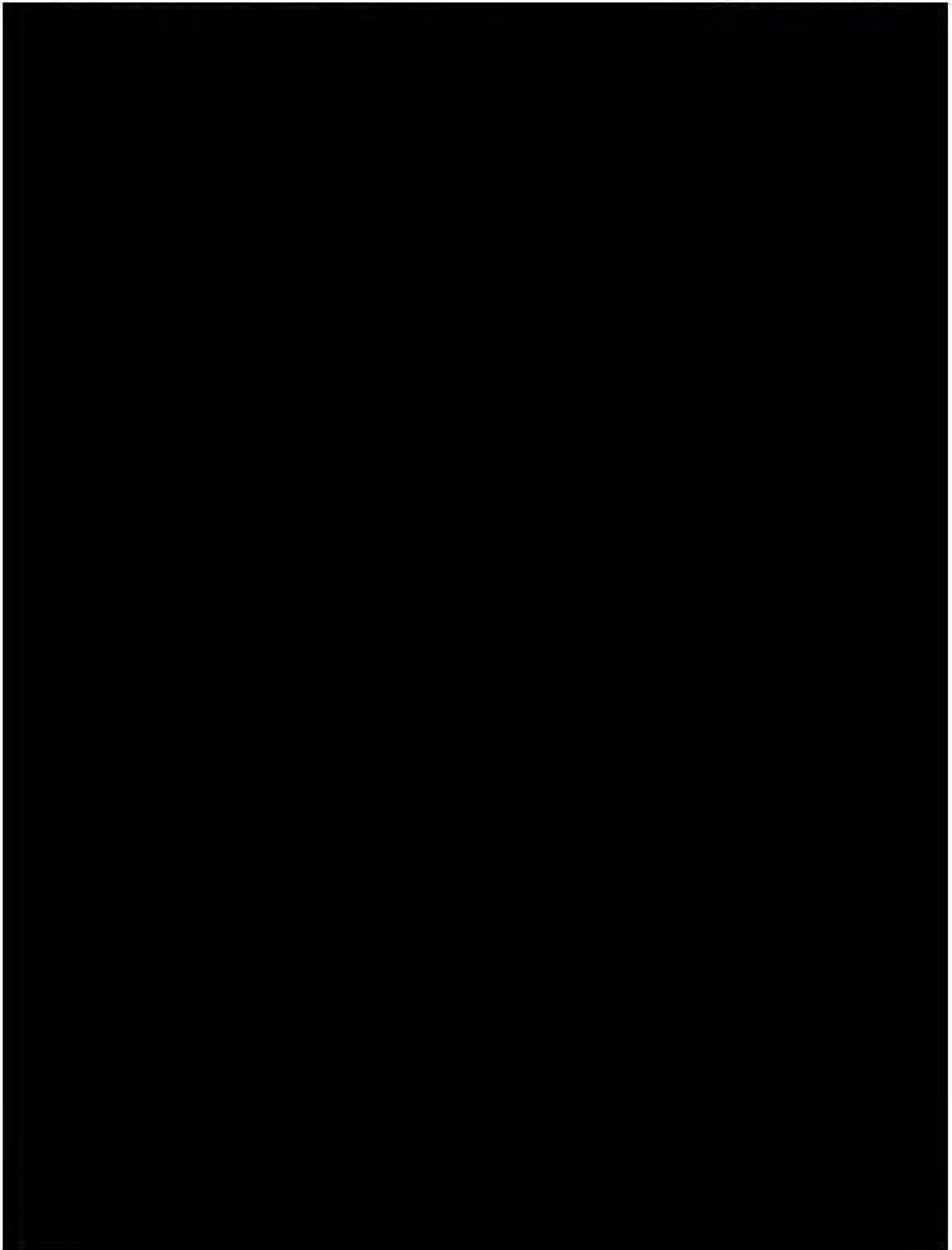
Amendment C127 Macedon Ranges Shire Heritage Study 2019



PLANNING PROPERTY REPORT



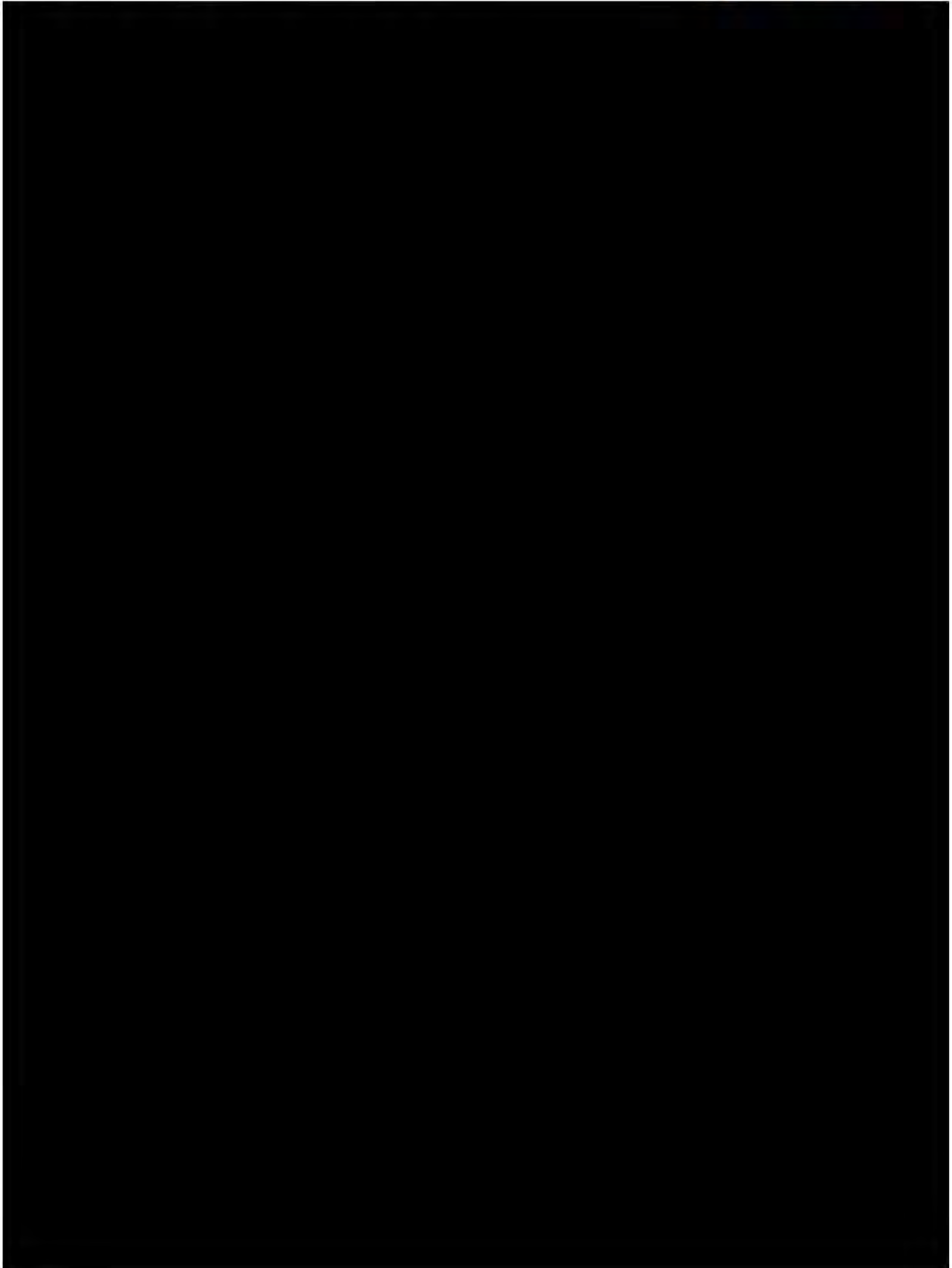
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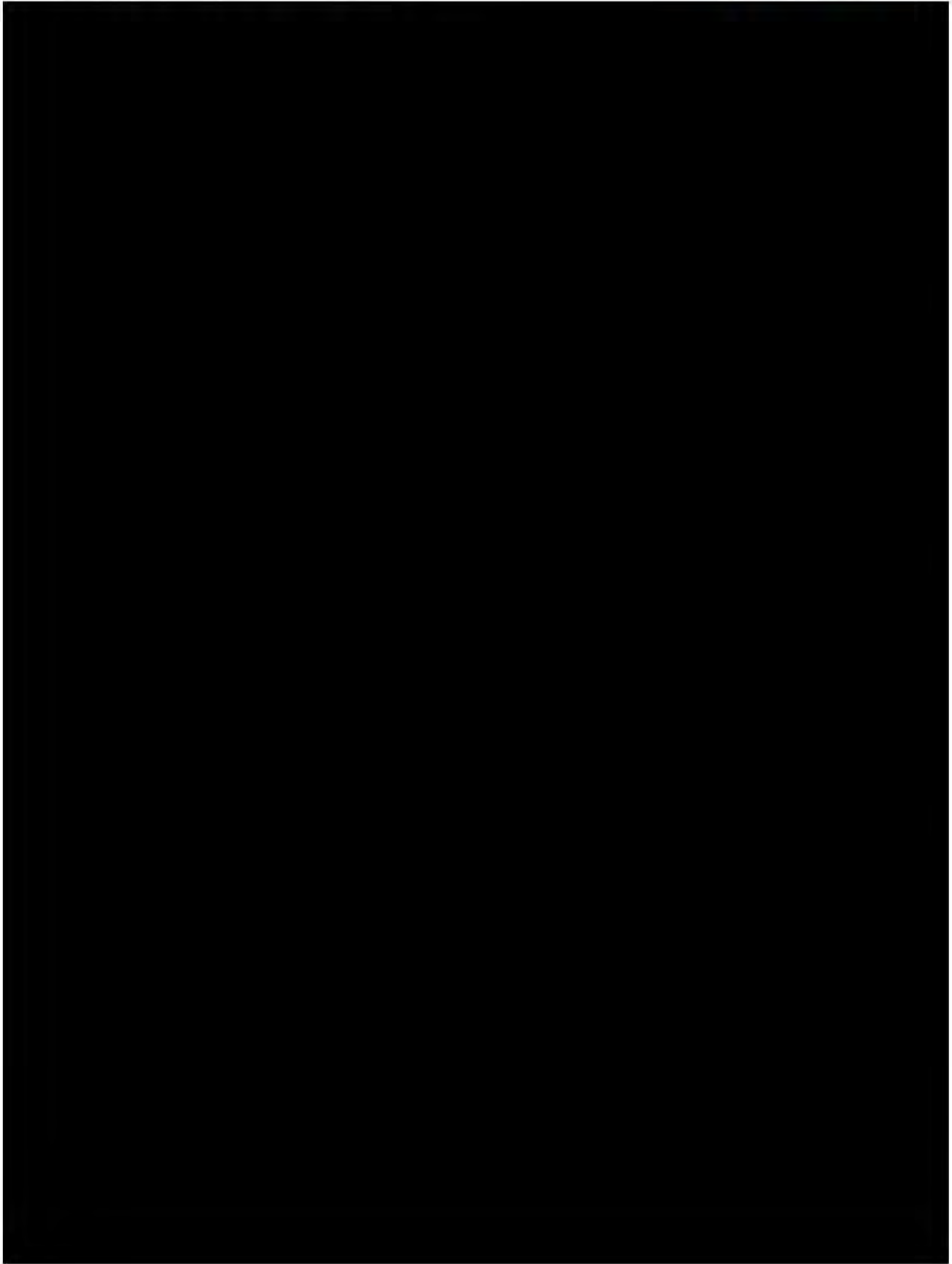
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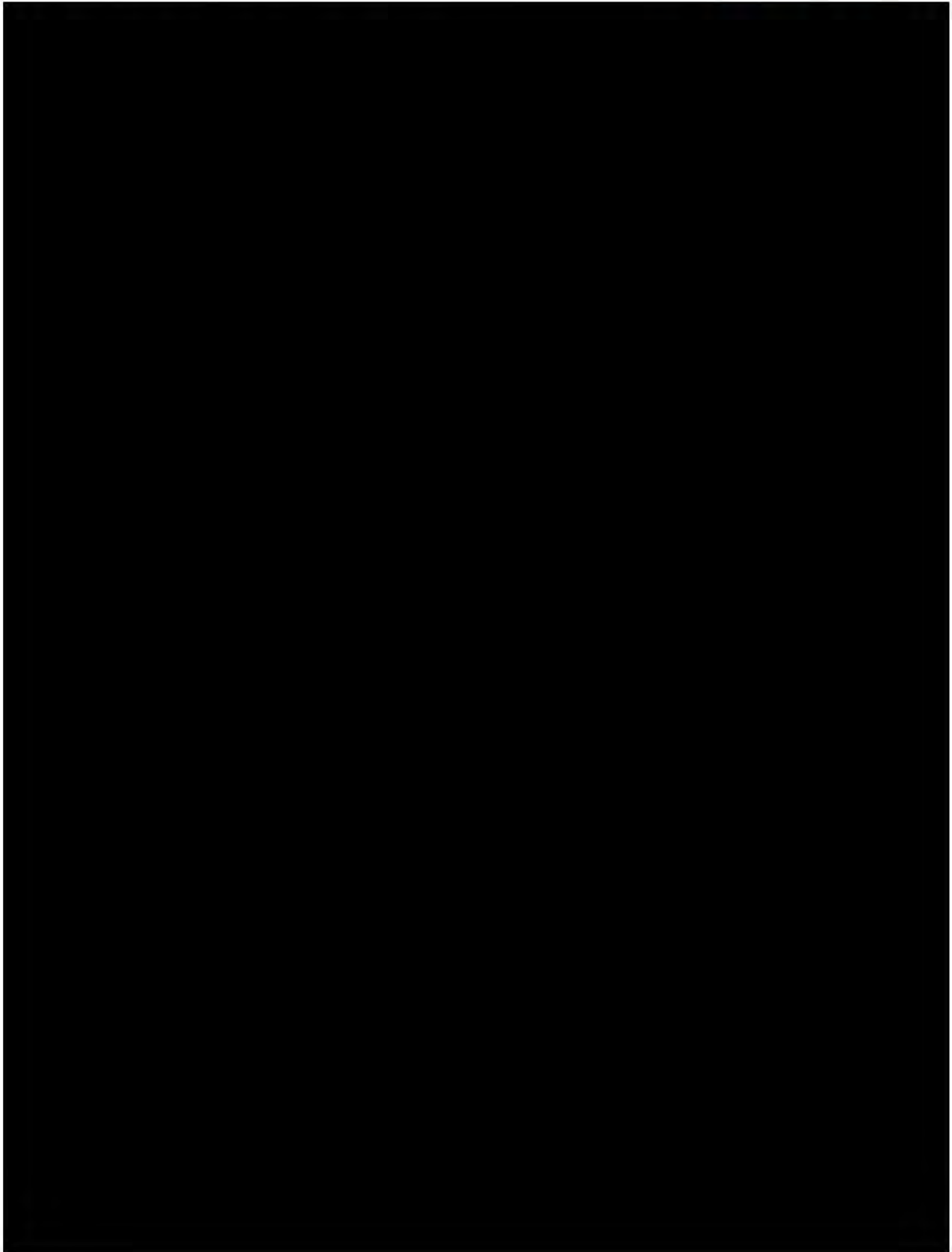
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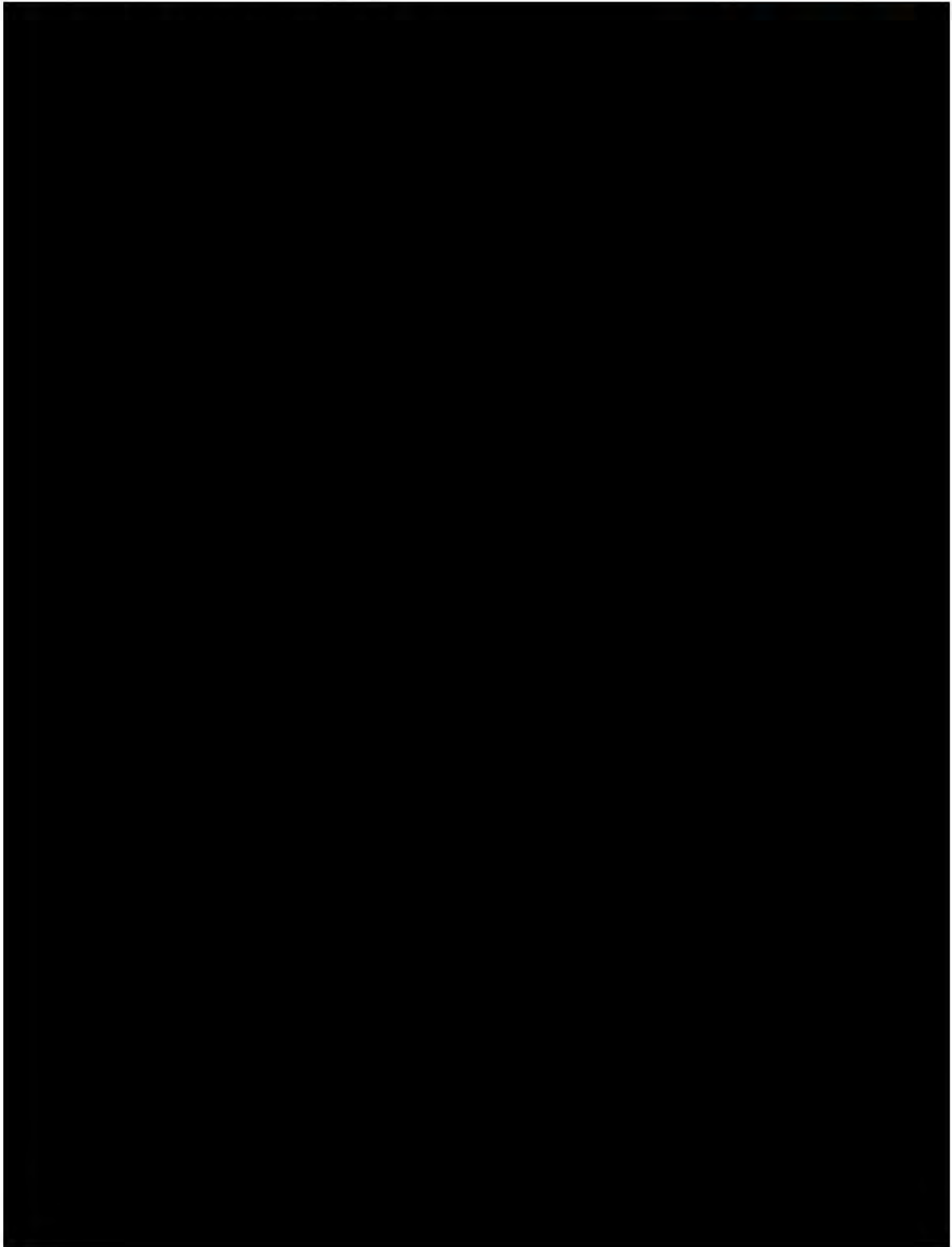
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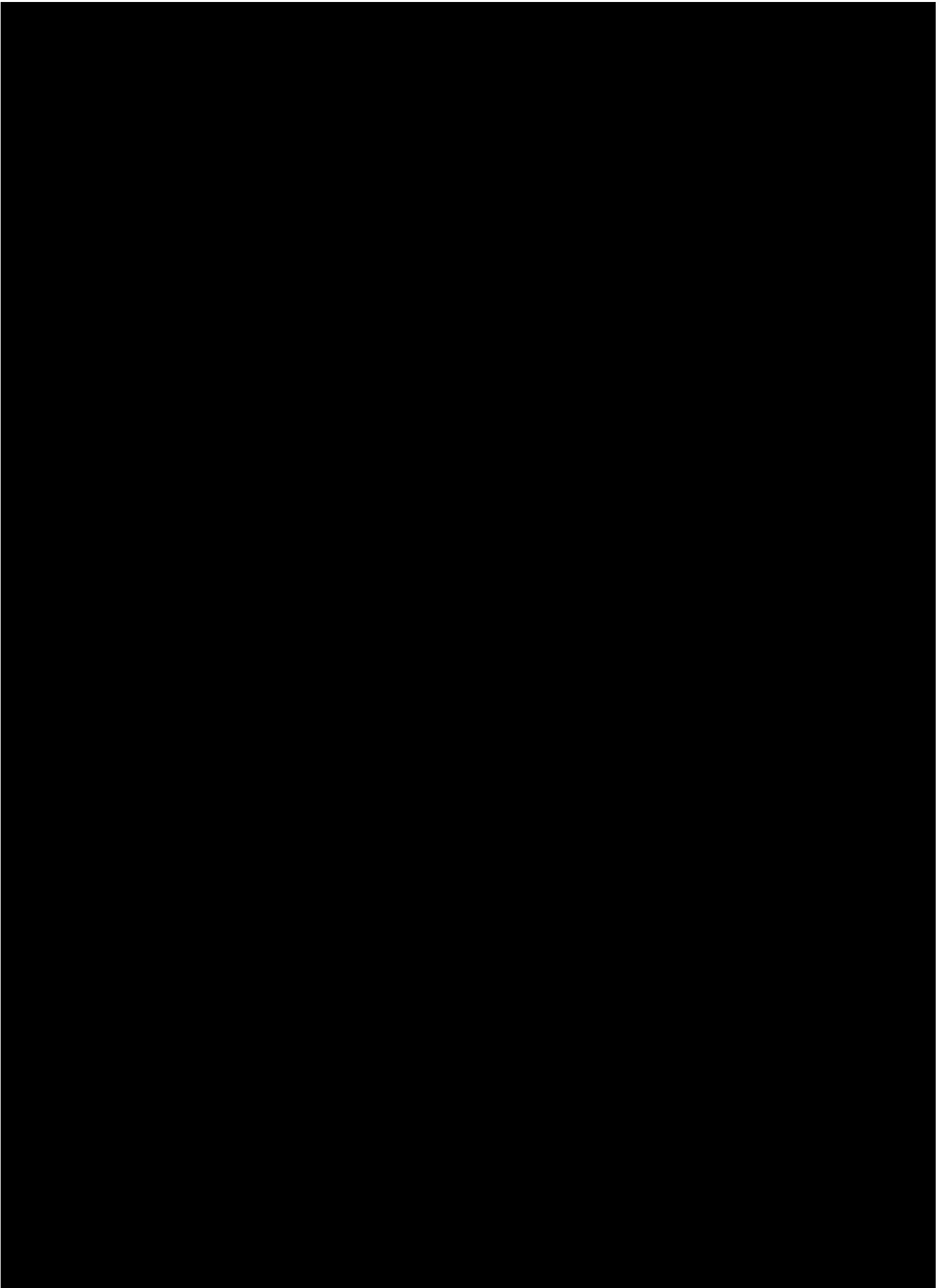


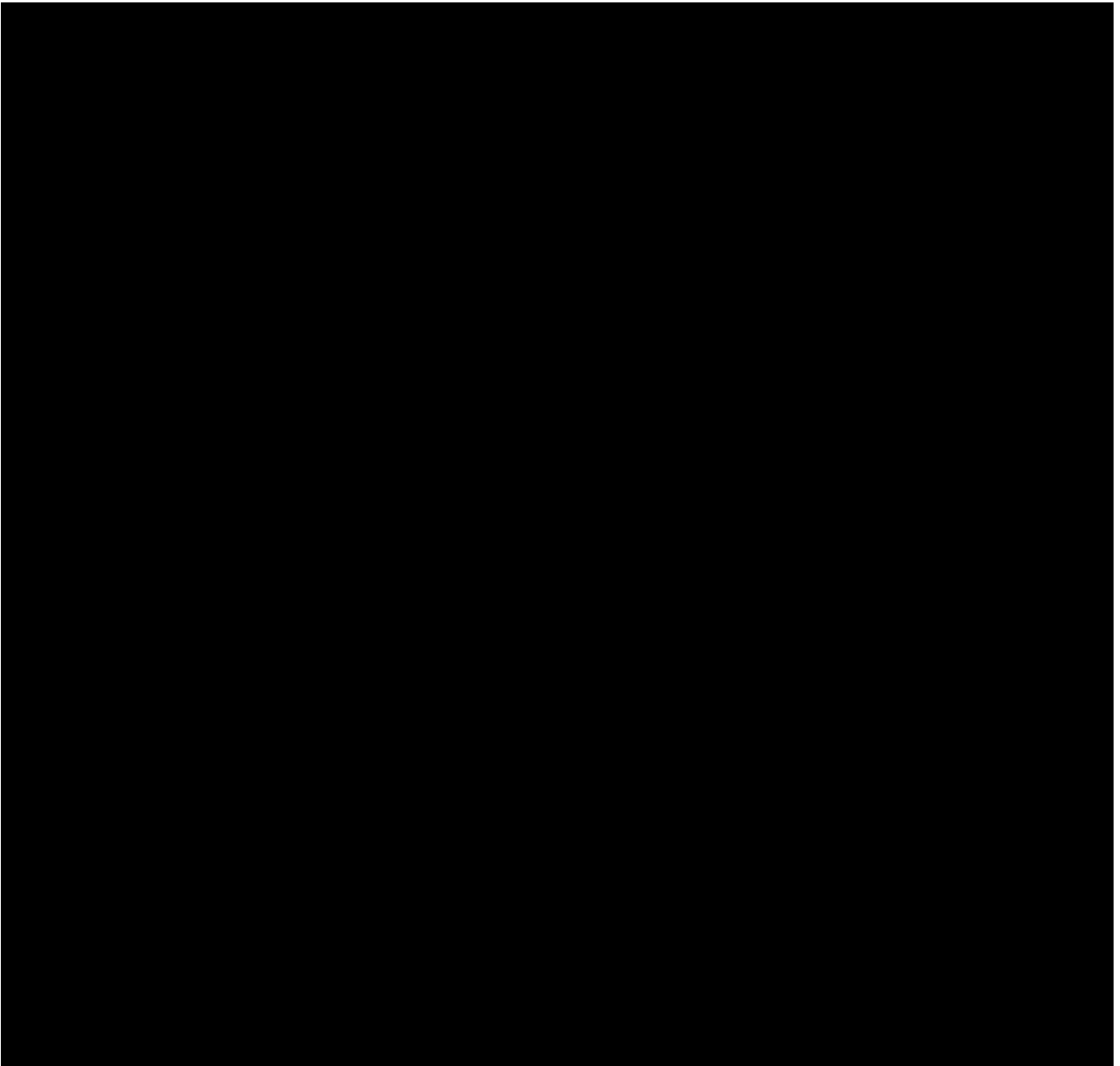
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PLANNING PROPERTY REPORT







MACEDON RANGES PLANNING SCHEME - LOCAL PROVISION

AMENDMENT C127macr

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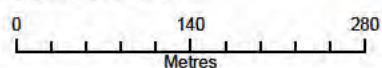
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Print Date: 13/02/2020

Amendment Version: 2



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MACEDON RANGES PLANNING SCHEME - LOCAL PROVISION

AMENDMENT C127macr

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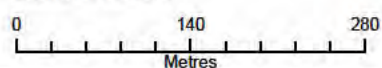
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Print Date: 13/02/2020

Amendment Version: 2



Environment,
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17 June 2021

Strategic Planning
Macedon Ranges Shire Council
Via email: strategicplanning@mrsc.vic.gov.au

Dear Sir/Madam & Macedon Ranges Strategic Planning Department,

RE: Amendment C127 Macedon Ranges Shire Heritage Study 2019

I act on behalf of [REDACTED] the owners of the above property at [REDACTED], and we are pleased to provide the following submission in response to Council's public exhibition of Amendment C127 Macedon Ranges Shire Heritage Study 2019.

Duplicate of paragraph below?

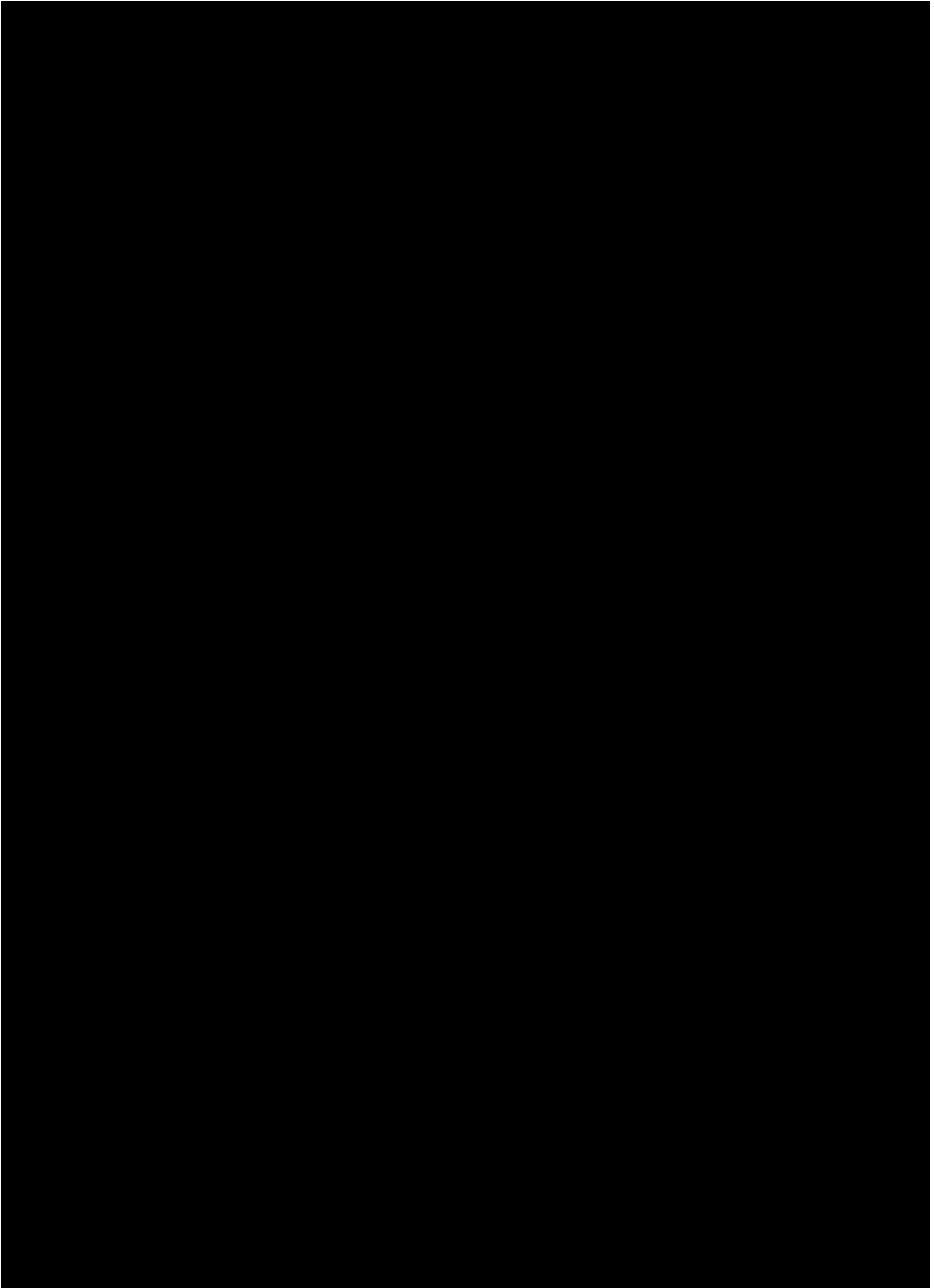
In the course of preparing this submission the site and its environs were inspected and we have reviewed the proposed Amendment C127 Macedon Ranges exhibition documents and background documentation insofar as they apply to the [REDACTED].

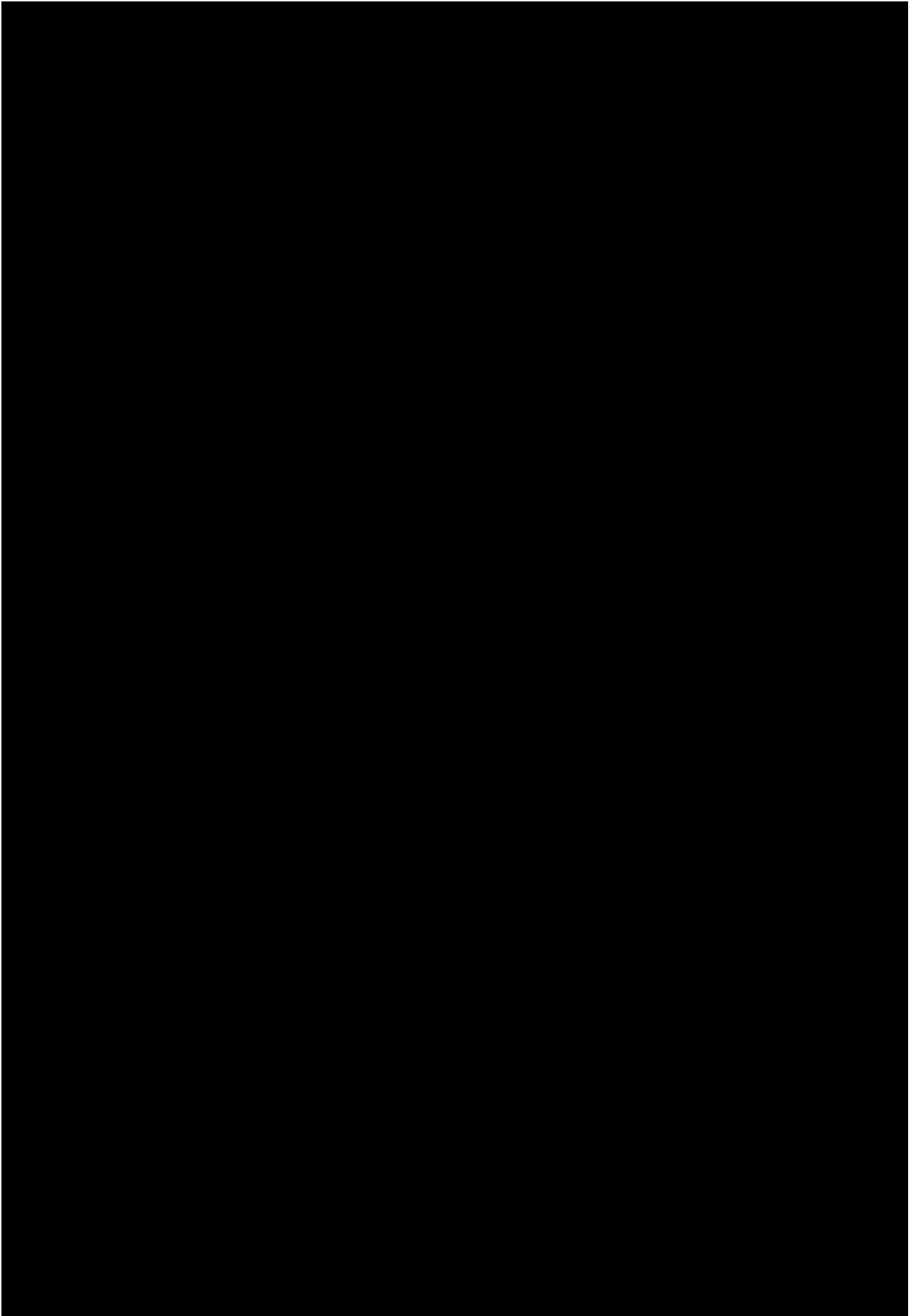
A brief summation of the position with respect to proposed Amendment C127 is as follows:

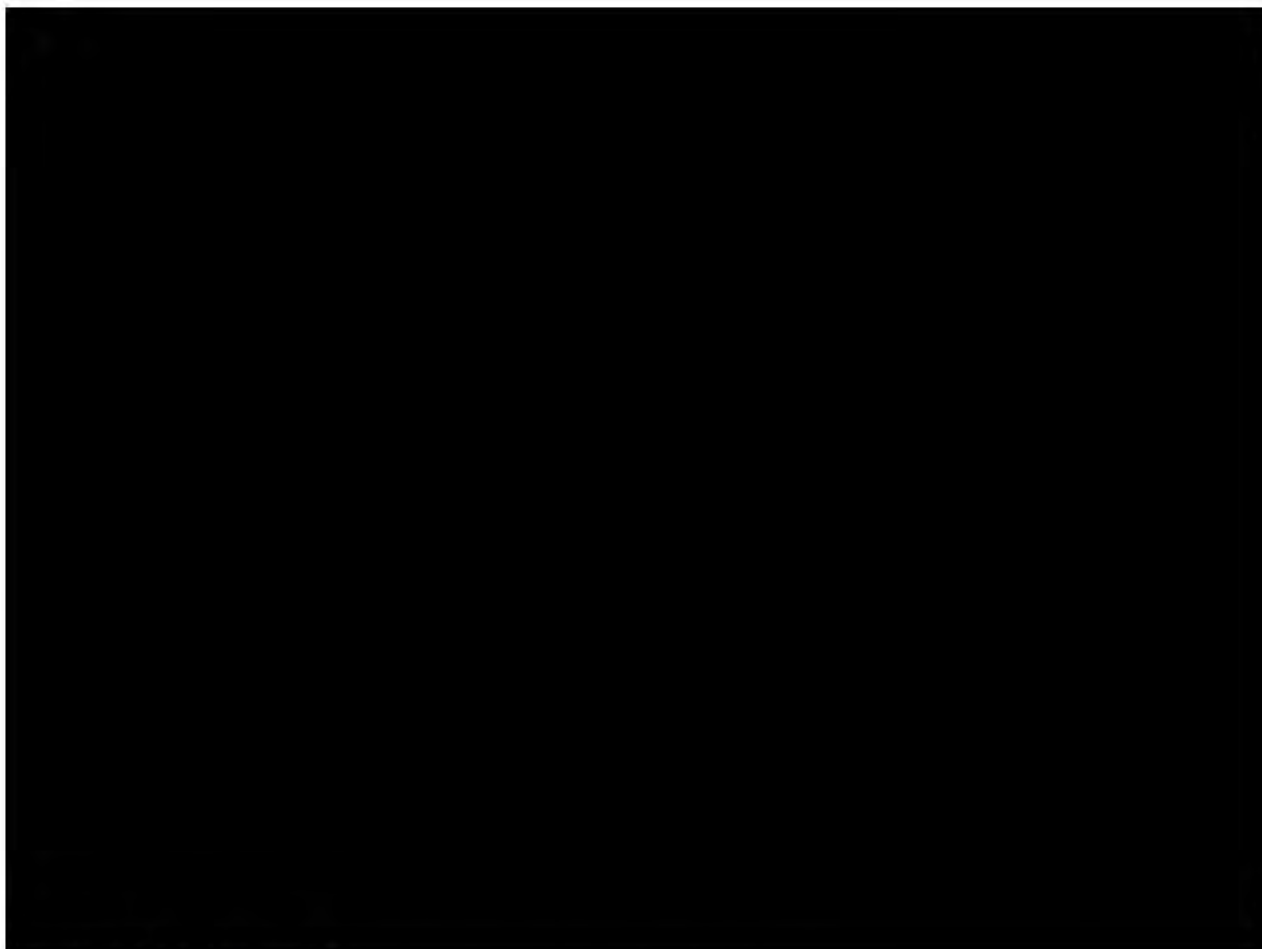
- It is not possible for the Heritage Overlay [REDACTED] site by way of the Proposed Amendment C127, given that:
 - The planning controls proposed by the Amendment are inconsistent with the existing planning controls in the Neighbourhood Residential Zone (NRZ3), which would lead to future uncertainty over decision-making at the [REDACTED] site.
 - The site is not individually significant as claimed in the Statement of Significance prepared by [REDACTED]. Rather in the site context and environs the architectural styles of [REDACTED] matches the built form in the streetscape, which includes properties not covered by the Heritage Overlay.
 - References to the [REDACTED] in the Heritage Study prepared by [REDACTED] places a high degree of importance on integrity in the fabric, form and detail. However, it is identified that some alterations and a minor addition have been made to the [REDACTED]. Therefore, the 'intactness' assertion made in the Heritage Study disregards the importance of these modifications to the [REDACTED] as being representative of the evolving character of [REDACTED].

Subject Site

The subject site is located on the northern side of [REDACTED] with a rear abuttal to [REDACTED] on a large rectangular allotment. The site is substantially cleared of vegetation and consists of a [REDACTED] building in the front portion of the site and a large open grassed area utilised for car parking in the rear section of the site. It is noted, the site is accessed via a gravel crossover onto [REDACTED]. Refer to Figures 1-5 (next pages over) for the [REDACTED].



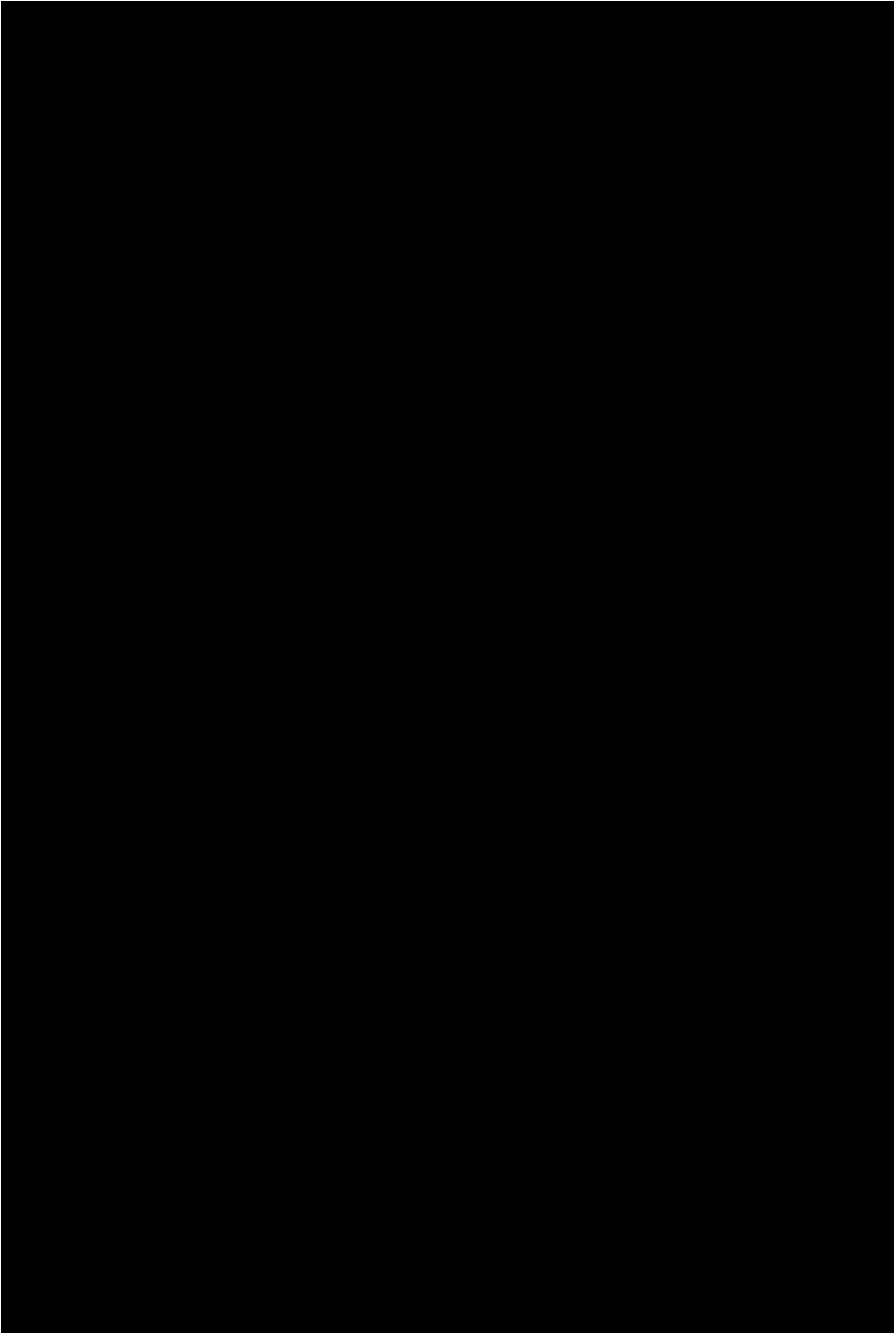




Adjoining Properties

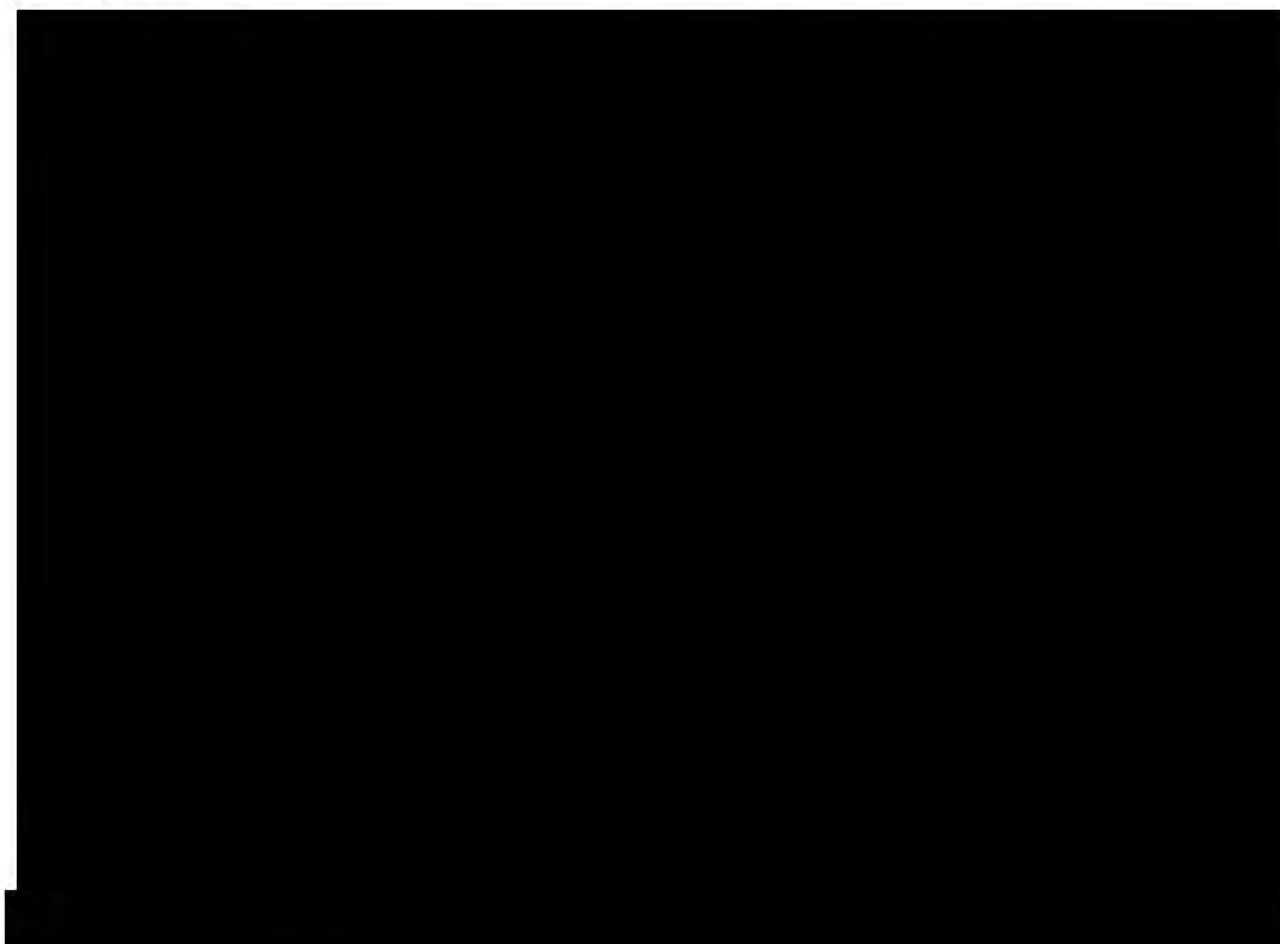
The subject site adjoins two properties as outlined below:

- **East:** No. [REDACTED] is the adjoining lot to the east of the subject site and is currently occupied by [REDACTED] on land zoned NRZ3. The site features a large single storey church building, OP shop and pastor's residence. It is noted, the Proposed Amendment C127 for Heritage Overlay [REDACTED] to be applied to the [REDACTED]. Refer to Figure 6 (next page over).
- **West:** No. [REDACTED] is the adjoining lot to the west of the subject site and is currently occupied by an existing single storey dwelling of weatherboard and corrugated iron open gable roof construction on land zoned NRZ3. Refer to Figure 7 (next page over).



Surrounding Area

The surrounding area is in a predominately residential within the north-western reaches of the [REDACTED] township. [REDACTED] is an arterial road known as route [REDACTED] - [REDACTED] forming the western gateway to the [REDACTED] township and direct connections to [REDACTED] and town centre to the east. Refer to Figure 8 (see below).



Current Planning Controls

The subject site is located within Neighbourhood Residential Zone – Schedule 3 (NRZ3) of the Macedon Ranges Shire Council. The subject site also located within the Environment Significance Overlay – Schedule 4 (ESO4).

Proposed Amendment C127 – Macedon Ranges Shire Heritage Study 2019

In preparing the submission, it is acknowledged there has clearly been a lengthy and well considered process underpinning the preparation of the controls for the [REDACTED] [REDACTED]. The proposed overlay, municipal strategic statement and operational provisions reflect a desire for Council to protect its heritage assets and encourage sensitive new development. Notwithstanding, no specific requirements have been detailed in either the Heritage Study or the Schedule to the Heritage Overlay to establish a clear direction for the [REDACTED] site.

Furthermore, the local planning policy does not provide any additional guidance pursuant to Clause 21.08-1 (Built Environment and Heritage – Heritage conservation) of the Macedon Ranges Planning Scheme. The objectives and strategies are not wholly dissimilar to the non-residential use and development provisions in the Neighbourhood Residential Zone decision guidelines pursuant to Clause 32.09-13 of the Macedon Ranges Planning

Scheme. I maintain that the non-residential use and development provides satisfactory protection of the neighbourhood character values enshrined into the decision guidelines.

Overall, the proposed amendments contained in C127 do not provide a consistent approach to decision making. Any decision to place a Heritage Overlay [REDACTED] to the site would add further ambiguity to the site and planning context. I contend that the existing controls primarily through the operation of Neighbourhood Residential Zone achieves a balanced approach reflecting the historical development of the site and surrounds, which results in the orderly planning of the area and upholding the effect of amenity on the area.

Statement of Significance prepared by GJM Heritage/Frontier Heritage

It is acknowledged the statement of significance provides an extensive cultural and local history and highlights the importance of [REDACTED] to the rural communities such as [REDACTED]. However, the statement of significance is disputed on the grounds that the [REDACTED] does not warrant the heritage grading. Of note, the statement of significance draws attention to the architectural significance of the [REDACTED], however in the site context and environs the [REDACTED] building would be best described as being representative of the neighbourhood character of [REDACTED] as opposed to being of individual heritage significance. Moreover, there is no additional commentary provided in the context of the streetscape or the similarity of the built form within [REDACTED] that specifically draws attention to the [REDACTED]

In addition to the above, the assessment criteria of the place discounts that [REDACTED] would not continue to have a presence in [REDACTED] without the heritage grading of the [REDACTED]. It is submitted with respect to these observations in the GJM Statement of Significance that the [REDACTED] historical presence in [REDACTED] would continue irrespective of the heritage grading.

Finally, the architectural significance downplays the alteration to the [REDACTED] and the minor addition as inconsequential to the heritage grading. It is also contended that this represents an evolving character of [REDACTED] with many original dwellings in the vicinity being extended or redeveloped in a sympathetic architectural style, which has been facilitated through the Neighbourhood Residential Zone as opposed to the Heritage Overlay.

Overall, while the statement of significance provides useful site context, it is contended that the Heritage Overlay [REDACTED] should not be applied to the [REDACTED]. For the reasons cited above, it is clear that the existing planning scheme provides the necessary protections to achieve any stated heritage objectives.

Recommendation

I formally recommend and request that the current planning controls be maintained and submit that the Proposed Amendment C127 Macedon Ranges Shire Heritage Study 2019 be formally rejected for the [REDACTED].

If you wish to discuss this matter further, please do not hesitate to contact myself.

Yours sincerely

[REDACTED]

[REDACTED]

From: Strategic Planning
Sent: Wednesday, 7 July 2021 8:29 AM
To: Dannielle Orr
Subject: FW: [REDACTED]

[REDACTED]

From: [REDACTED]
Sent: Tuesday, 6 July 2021 8:55 AM
To: Strategic Planning <strategicplanning@mrsc.vic.gov.au>
Subject: [REDACTED]

Hi

My interest is two fold

Firstly as the last [REDACTED] and Secondly as current [REDACTED] as a Tenant

My concerns are that in past 40 years negligible maintenance let alone anything has been done to remaining buildings

The [REDACTED] was fenced of because dreamed unsafe...those fences have fallen down so why what where when is the Heritage Overlay relevant to Shire ...at least restore the protective fencing...then start with some real practical planning as to future of this once ground breaking building...or demolish same now and remove any Overlay.....I am sure you get my drift

Yes a Master Plan...what when why....have we the actions of Shire in correct order

What other " assets " are worthy of the Overlay

Please explain

I get it was a [REDACTED]

Help me understand

Willing to meet to discuss further of course

Thanks for your time

Regards,
[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: Thursday, 1 July 2021 8:53 AM
To: Dannielle Orr
Subject: [REDACTED]

CAUTION: This email originated from outside of Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi Dannielle,

You will be aware of the intention to place a Heritage Overlay on this property amongst others given it's local historical and architectural significance.

I find this both ironic and hypercritical of Council given the following:

1.The occupier has turned the property into a junk yard comprising some 80+ vehicles, car bodies, car parts and other junk strewn over the [REDACTED] site.Council's Planning resolution officer who has inspected the property appears unwilling to enforce the occupiers original permit conditions,all of which have been breached,despite his undertakings on several occasions to remedy the breaches.

2.The condition of the property (a complete eyesore to the community) is in breach of several Council by laws.Despite requests for inspection by Council 's by laws officer and enforcement, this has not occurred.

Continued failure by Council to address these issues will result in a heritage listed junk yard.I regard this as an absolute joke.

Yours faithfully,

[REDACTED]



Virus-free. www.avg.com

[REDACTED]

From: Strategic Planning
Sent: Thursday, 15 July 2021 1:21 PM
To: Dannielle Orr
Subject: FW: Planning Scheme Amendment to C127 - [REDACTED]

Attachments: [REDACTED]

From: [REDACTED]
Sent: Thursday, 15 July 2021 12:56 PM
To: Strategic Planning <strategicplanning@mrsc.vic.gov.au>
Cc: Macedon Ranges Shire Council <mrscmail@mrsc.vic.gov.au>; [REDACTED]
Subject: Planning Scheme Amendment to C127 - [REDACTED]
[REDACTED]

Dear Sir/Madam,

PROPOSED AMENDMENT C127 TO THE MACEDON RANGES PLANNING SCHEME
[REDACTED]

We act for [REDACTED] in respect to the above matter.

Our client is the registered proprietor of land at [REDACTED].

We attach for Council's consideration our client's submissions to Amendment C127 to the Macedon Ranges Planning Scheme.

Kind regards,

[REDACTED]

15 July 2021

Macedon Ranges Shire Council
Attn: Strategic Planning Team
PO Box 151
KYNETON VIC 3444

By email: mrsc@mrsc.vic.gov.au

Dear Sir/Madam,

PROPOSED AMENDMENT C127 TO THE MACEDON RANGES PLANNING SCHEME

We act for [REDACTED] respect to the above matter.

Our client is the registered proprietor of land at [REDACTED]

We are instructed to provide the following submissions to Amendment C127 ('the Amendment') to the Macedon Ranges Planning Scheme ('the Planning Scheme').

The Amendment proposes to apply a new Heritage Overlay to the Site which is opposed by our client.

The Site - [REDACTED]

The Site is located on the northeast corner of the intersection between [REDACTED] and [REDACTED]. The eastern (rear) boundary of the Site is formed by [REDACTED]

The Site comprises an irregular shaped area of land with a frontage to [REDACTED] metres and an overall area of approximately [REDACTED]. It is improved with a two storey, attic style timber Federation building with associated outbuildings and gardens known as [REDACTED]. A site plan is provided at Appendix A.

[REDACTED] currently used as a private residence however, it has historically been used for conference facilities with associated onsite accommodation and dining with liquor licenses.

Further information relating to the Site's historical use is provided at Appendix B to this submission

Amendment C127

As Council will be aware, the Amendment proposes to apply the Heritage Overlay to thirty two individual places identified with the 'Macedon Ranges Shire Heritage Study: Woodend, Lancefield, Macedon & Mount Macedon Stage 2 Final Report Volumes 1 and 2' (GJM Heritage and Frontier Heritage, April 2019). This includes a new site specific Heritage Overlay, [REDACTED] [REDACTED]') which is proposed to be applied to the Site.

The [REDACTED], May 2021' ('the Statement of Significance') is proposed to be introduced as an incorporated document at the Schedule to Clause 72.04 (Documents Incorporated in this Planning Scheme) which describes the buildings and surrounding grounds as follows:

[REDACTED] is of note as a fine and representative example of a [REDACTED] hill station. [REDACTED] retains its extensive grounds, grand Federation residence, outbuildings and a number of developed garden areas within the property boundaries. Despite modifications to both the buildings and garden, the place has clear associations with the important hill station class of place.

Tree controls are proposed to apply within [REDACTED]

Submissions

Our client understands the significance of [REDACTED] which was an important reason for their acquisition of the property in 2017. Whilst acknowledging the background work which has informed the Amendment, our client opposes the Heritage Overlay that is proposed to be applied to the Site in its current form.

The Statement of Significance does not appropriately acknowledge the historical uses that have taken place at the Site, including the function centre use which resulted in the modern conference facilities and accommodation buildings that have been added along with accommodation within the main building. In this regard it is self-evident as every bedroom in the house is fitted with an ensuite bathroom.

Historically, these uses have been responsible for generating funds that contribute to the upkeep of [REDACTED] and are important components of the Site's historical layering. The role that these uses have played in the Site's evolution should be recognised in a modified Statement of Significance.

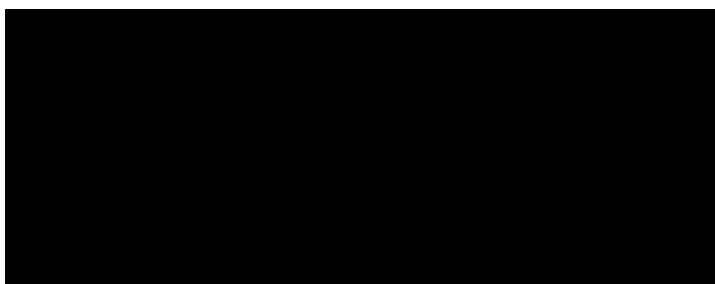
Flexibility should be afforded to facilitate an adaptive reuse of [REDACTED]. The Amendment, for example, does not recognise the Site's historical use as a place of assembly which is a nonconforming use within the Rural Conservation Zone (other than Carnival and Circus). Noting provisions of the Heritage Overlay which allows a prohibited use to occur on the land to '*assist with the conservation of the significance of the heritage place*,' opportunities to consider these non-conforming uses should be afforded in a modified [REDACTED] and Statement of Significance if the Amendment proceeds.

The heritage control proposed for the Site should also be crafted in a manner that acknowledges the non-original additions that have been made to [REDACTED] and affords opportunities for further modifications that suite the adaptive reuse and upkeep of the Estate.

Summary

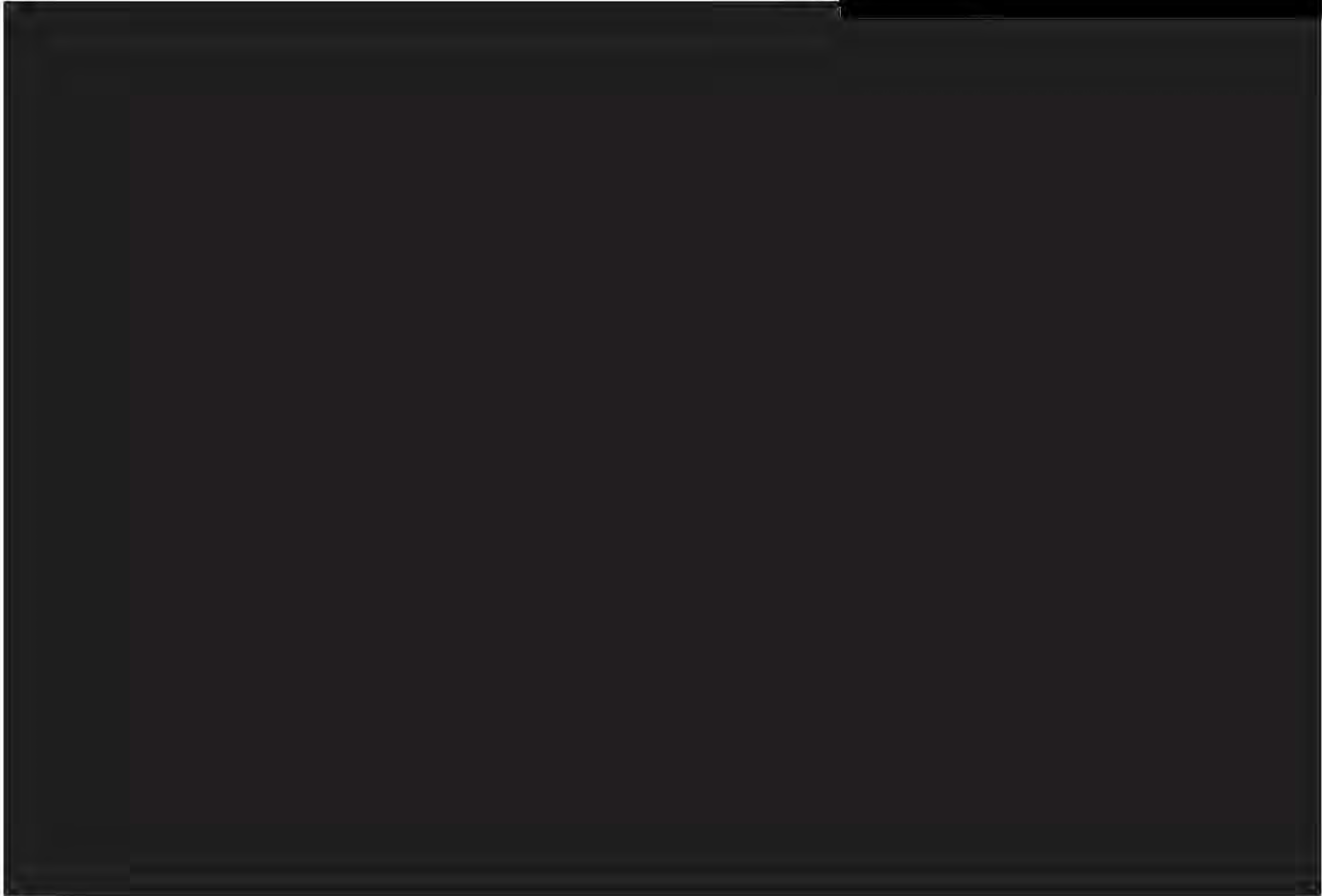
We trust that the matters detailed above will be sufficient to outline our client's concerns with the Amendment in its current form. Please note however, that this submission is not exhaustive and together with our client, we look forward to expanding on the matters raised, including at any independent panel that is assembled.

Please contact the undersigned on [REDACTED] should Council have any queries regarding the correspondence.



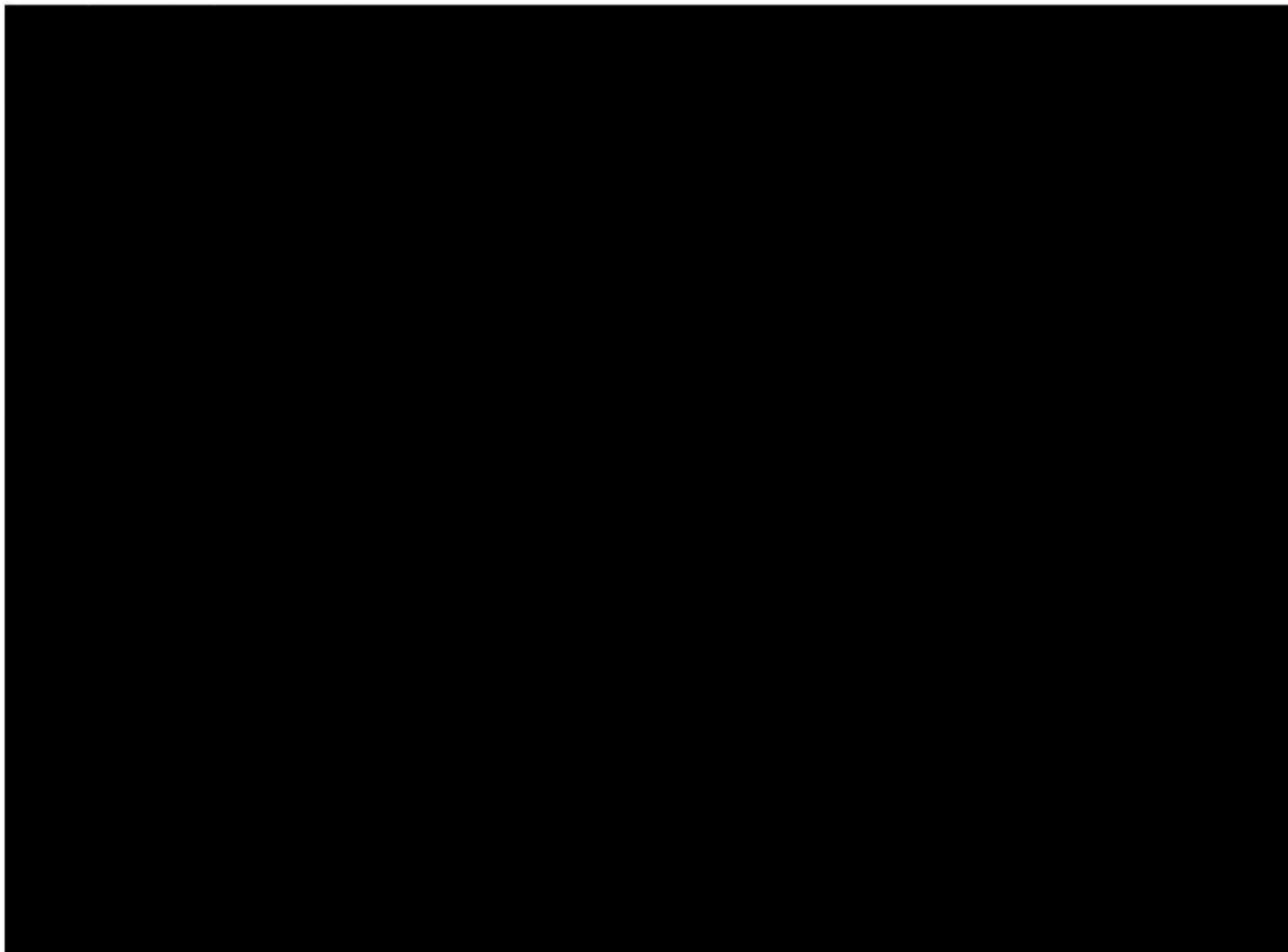
Appendix A

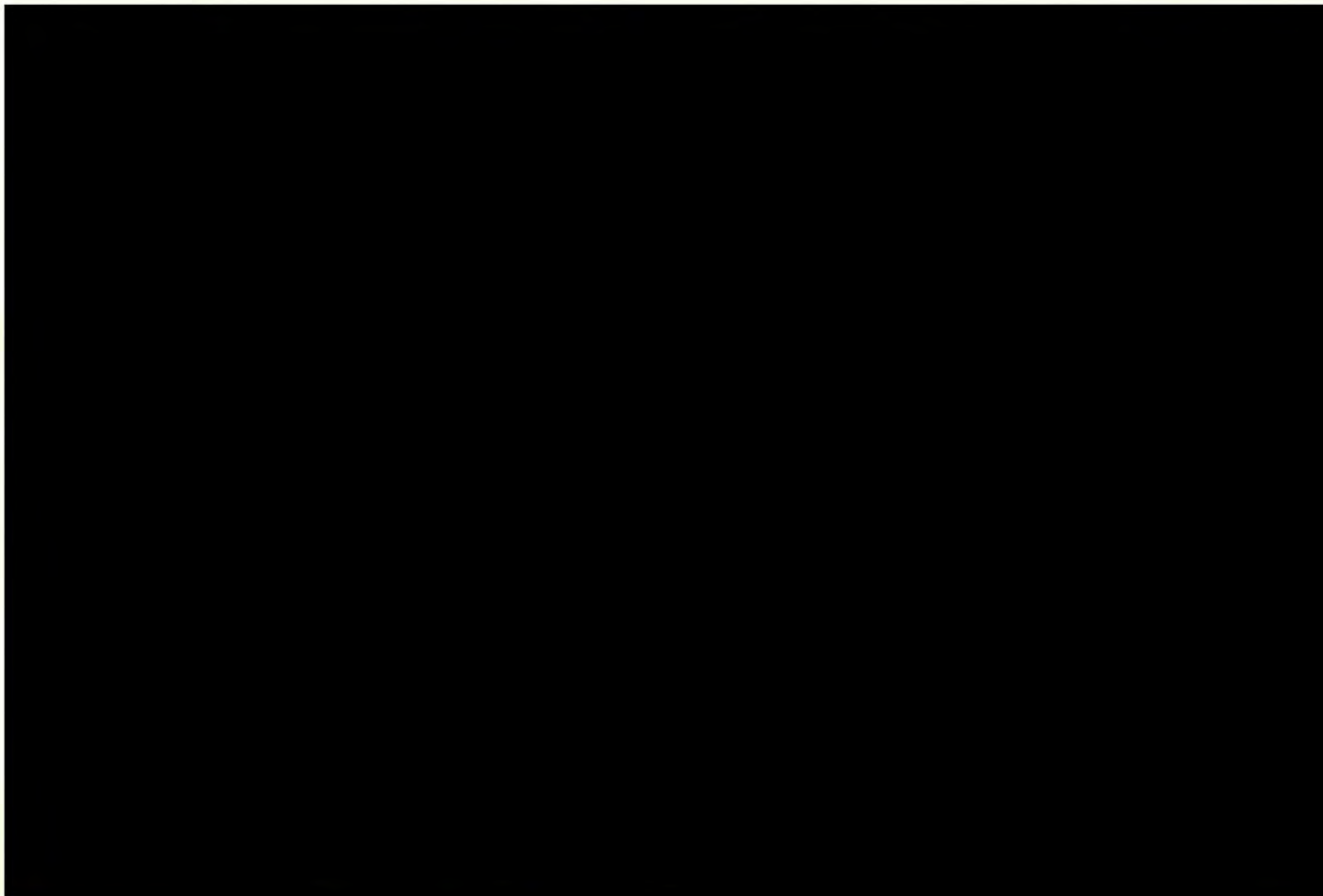


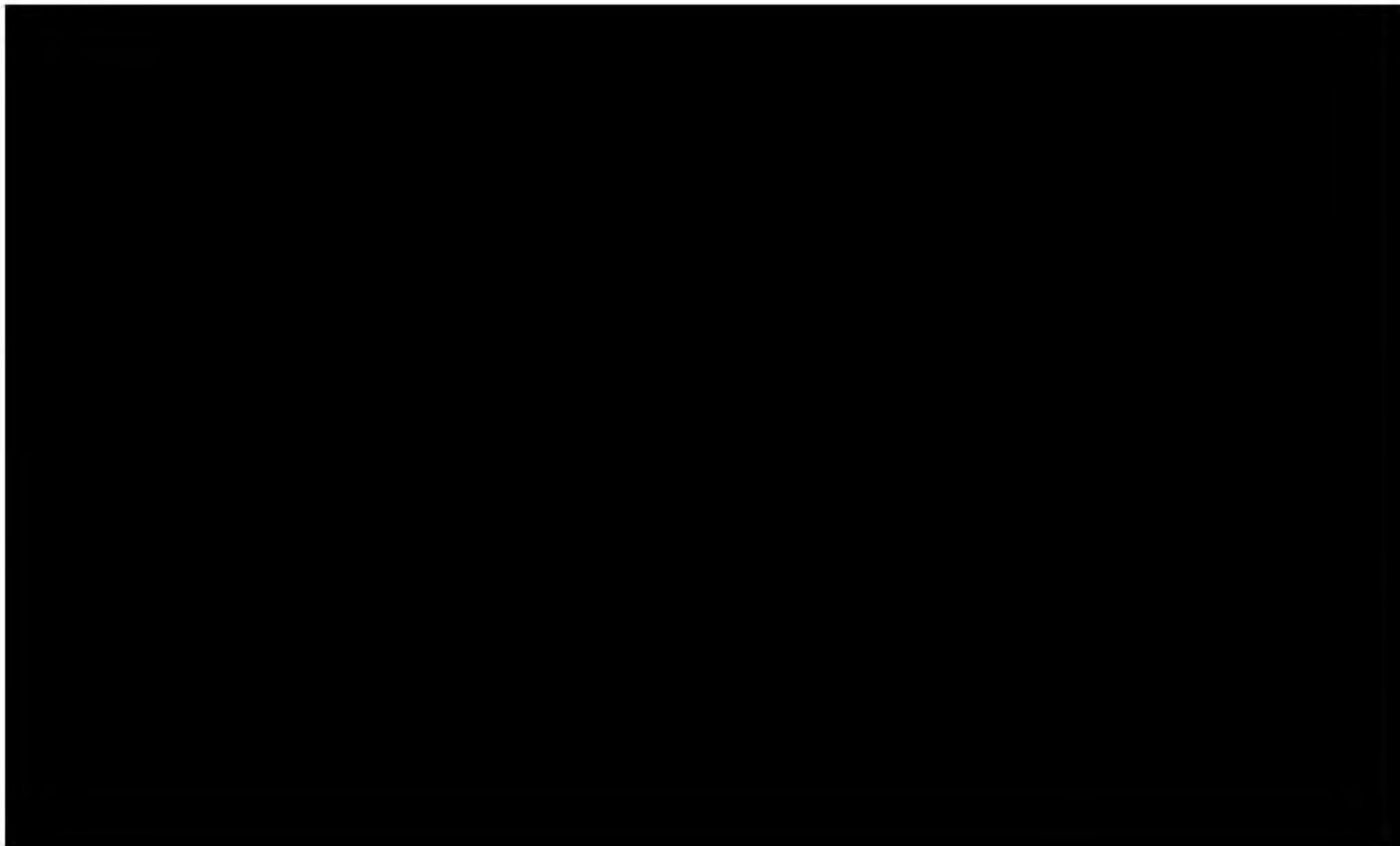


Appendix B

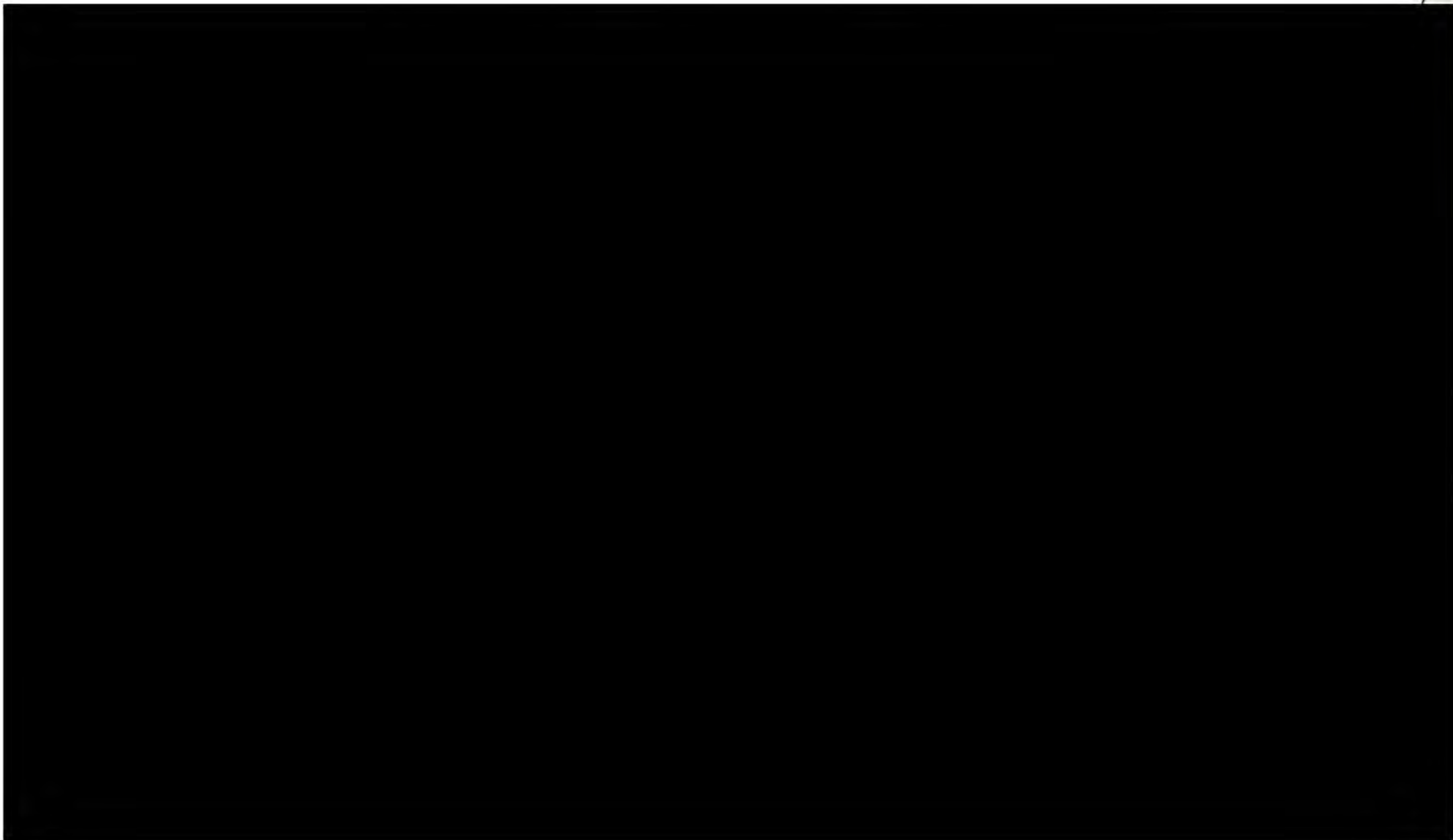
Historical Conference and Dining Facilities

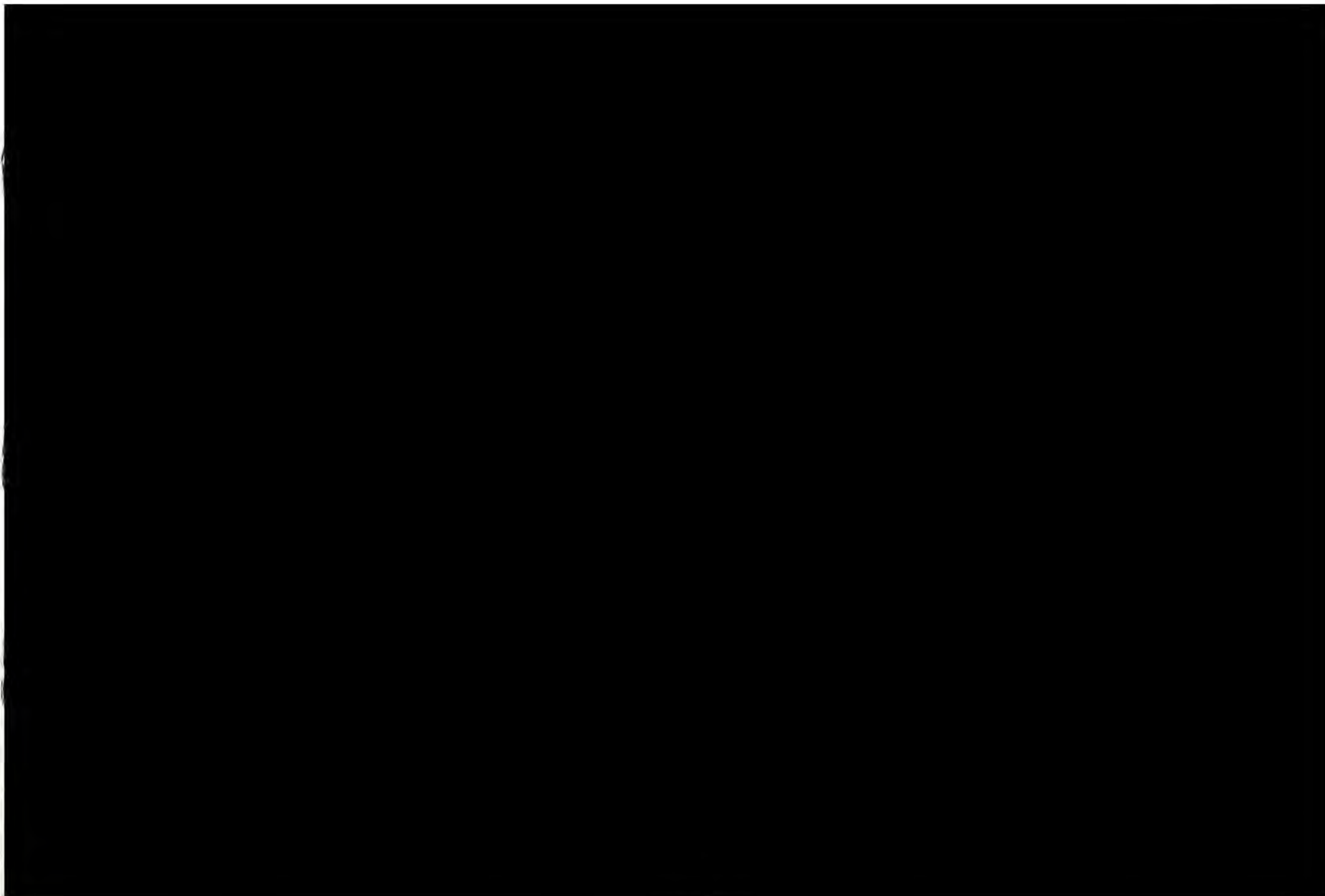


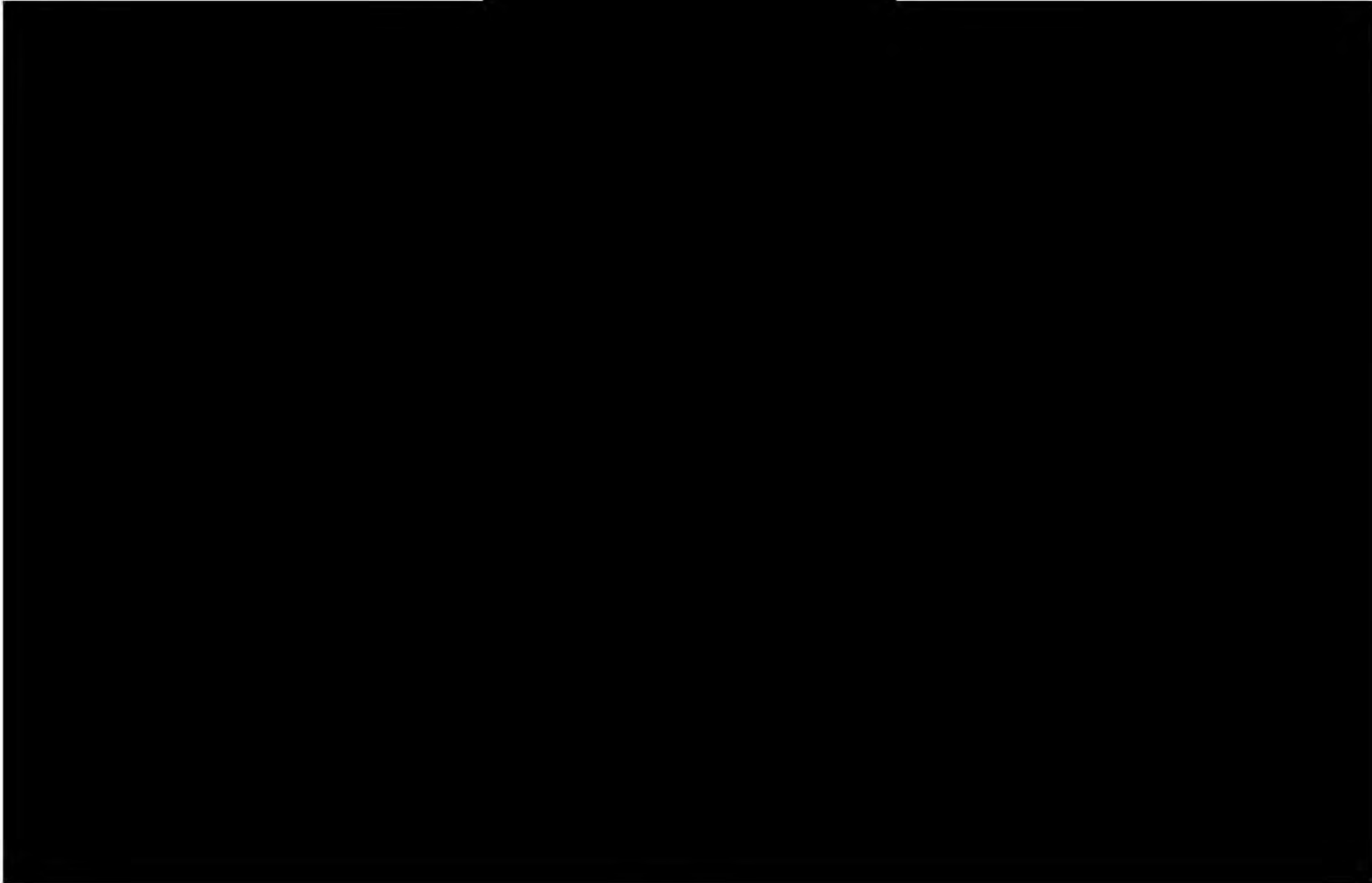




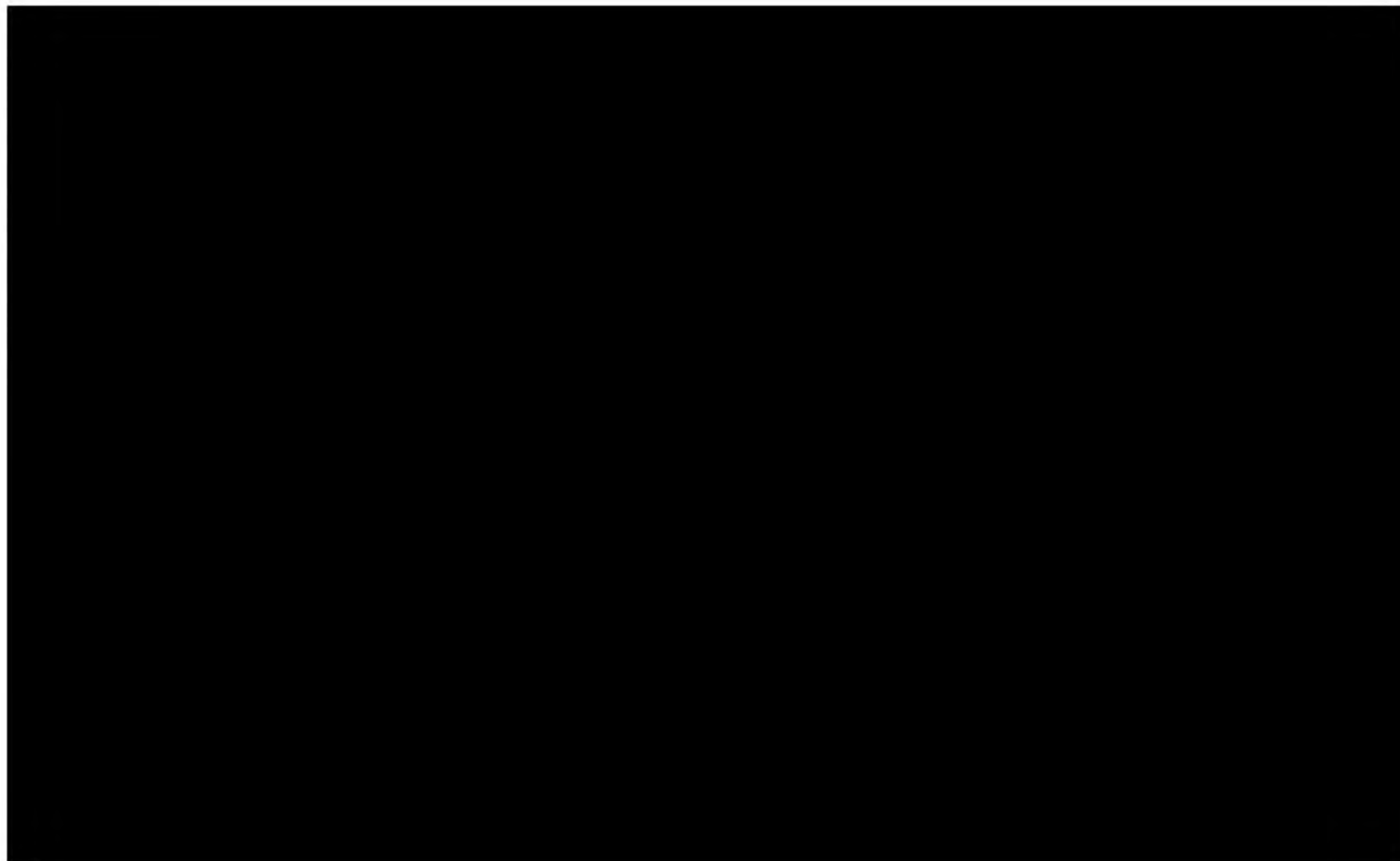












From: [REDACTED]
Sent: Wednesday, 14 July 2021 4:26 PM
To: Macedon Ranges Shire Council
Subject: MR Planning Scheme Amendment C127macr

I wish to highlight the inconsistency in the way in which Heritage places are identified between the current amendment and the previous listing in the Schedule to Clause 43.01 Heritage Overlay.

In previous listings, the heritage places which have had a change of use or title are identified by their currently used name, whereas in the amendment several places are identified by the former (usually original) title.

For example, the following places in the current Schedule are identified by their current title/usage”

- HO 27 Skelsmergh Hall, formerly Montpellier Flour Mill House
- HO 126 Sunbury Lodge, (formerly called Park Hall)
- HO 256 Kyneton Arts Centre (former Congregational Church and Sunday School)
- HO 204 Kyneton Secondary College (former High School)
- HO 202 Folk Museum (former Bank of New South Wales)
- HO 96 Uniting Church, Lancefield (which was a former Presbyterian Church prior to union in 1977)
- HO 210 Uniting Church (former Presbyterian Church), Romsey

In contrast, a number of the places in proposed to be added to the Schedule in the current amendment are listed under a former name:

- HO 333 Mount Macedon Presbyterian Church (former) – currently (since 1977) known as the Mount Macedon Uniting Church
- HO 340 Manchester Unity Convalescent Home (former) Woodend – I am not sure of current usage but certainly not as listed
- HO 342 Zion Baptist Church (former)
- St Andrews Presbyterian Church, (former), Woodend – currently St Andrews Uniting Church since 1977.

There may be other inconsistencies that I have overlooked or of which I am unfamiliar.

As well as being inconsistent in terminology, which is an undesirable administrative process, identifying places by former usage/titles will be confusing for people who wish to locate and visit such sites.

I recommend that heritage places listed in the amendment by former usage/titles be amended to identify them by their current usage/tile, with former use/title in brackets. Previous inconsistencies, if any, should also be amended to ensure consistency of the Schedule.

Sincerely

[REDACTED]

From: [REDACTED]
Sent: Thursday, 15 July 2021 2:58 PM
To: Macedon Ranges Shire Council
Cc: [REDACTED]
Subject: [REDACTED] - Council Proposed Heritage Overlay
Attachments: Letter to Macedon Shire Council - 15.07.2021.pdf

Dear Strategic Planning Team

Please refer to the **attached** letter.

Kindly acknowledge receipt.

[REDACTED]
[REDACTED]
15 July 2021

Macedon Ranges Shire Council
PO Box 151
KYNETON VIC 3444

BY EMAIL: mrsc@mrsc.vic.gov.au

Dear Strategic Planning Team

Re: [REDACTED] Proposed Heritage Overlay

We act for the [REDACTED] in relation to your proposal to place a heritage overlay on [REDACTED] ("the Property").

We have to hand a copy of your letter to our client dated 25 May 2021 and refer to the telephone conversation between our [REDACTED] and your Danielle Orr on 12 July 2021. We are instructed to provide the below submissions by way of objection to your proposal in respect of the Property.

Notwithstanding that your letter to our client states that the proposed overlay will be on [REDACTED], the heritage citation prepared by GJM Heritage/Frontier Heritage attached to your letter recommends that the heritage overlay extends to the title boundary of the Property. Whilst the submissions in this letter assume that the proposal is to place a heritage overlay on the whole of the Property and not just on [REDACTED], we ask that you clarify the proposal.

Submissions as to [REDACTED]

It is submitted in the description of [REDACTED] attached to your letter that the dwelling is significant as a consequence of its "high level of integrity to its original design". We are instructed that this statement simply is not true and that the following alterations have taken place over the years:

- [REDACTED] rooms were built
- [REDACTED] units were built at the back of the property
- [REDACTED] of part of the veranda to create a sunroom
- [REDACTED] existing metal clad shed was converted into office spaces

It is submitted that these considerable alterations have significantly dissociated the dwelling from its initial period of construction and historical context.

[REDACTED]

Further, [REDACTED] no longer represents the class of “wealthy Melbournians” who established summer houses in rural townships (as mentioned in the statement of significance) as it is now occupied by [REDACTED]. This further dissociates the property from its historical context and significance.

Submissions as to the remainder of the Property

Prior to our client purchasing the Property in August 2017, the lot consisted of [REDACTED]. Of that, our client purchased the [REDACTED] that currently make up the Property, with the remaining [REDACTED] going to a developer. We are instructed that Council granted a permit to the developer allowing the land to be cleared and more than [REDACTED] to be removed. We are instructed that the trees cleared included native trees and formed the habitat of native wildlife. In comparison, Council is proposing placing a heritage overlay on the Property, notwithstanding that it is smaller in size, contains less native trees, is the habitat of less native animals, and has less cultural and historical significance than the land cleared.

Further, we are instructed that more than 70 trees on the Property were uprooted and had to be removed as a consequence of the storms in mid-June 2021. Likewise, we are instructed that the storms caused damage to the remnants of the garden designed by [REDACTED], which existed immediately prior to the storm. The destruction by the storm is significant enough to dissociate the garden significantly from its original design and any historically aesthetic characteristics. Under previous owners of the Property, [REDACTED] garden underwent numerous significant alterations and changes which had already dissociated the garden significantly from its original design and any historically aesthetic characteristics. In reality, much of the [REDACTED] garden was lost years prior to our client purchasing the Property.

It is submitted that the description of the Property attached to your letter is outdated. For example, it states that the Property contains a liquidamber tree despite no such tree existing on the Property. Whilst our client assumes that the liquidamber tree formed part of the [REDACTED], it was not on the Property when they purchased it and they have not been able to locate it on any photographs that they have of the Property.

We are instructed that the maple trees were not planted by [REDACTED] and bear no historical significance either. Photographs from 1997/1998 show that the maple trees were very small – indicating they were planted only a few years before 1998. It should be noted that they were not included in [REDACTED] garden design. Aerial photos from 1998, also show that there was no cypress hedge around the property either. Please note that the viburnum hedge at the entry of the Property is no longer present on the Property. Photos of the Property in 1983 show that hedge was very small, indicating that it was planted in the early 1980's and never held any historical significance. Therefore, the aspects of the garden which Council constitutes as historically significant are, in fact, not historical at all or are simply no longer in existence.

General Submissions and observations

We advise that our client is a not-for-profit organisation that relies solely on the generosity of others, particularly the donations of the [REDACTED]. The imposition of a heritage overlay on the entirety of the Property will place significant financial burden on our client, as it will severely affect its ability to either sell or develop the Property.

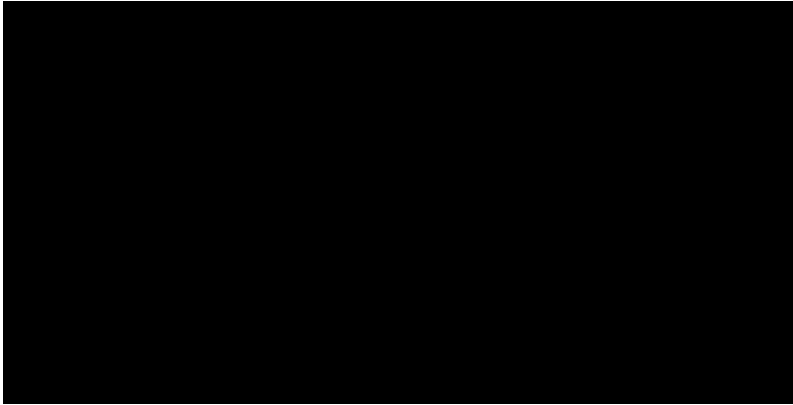
We further submit that it is unjust to place a heritage overlay on the entirety of the Property in circumstances where similar properties of, arguably, greater historical, environmental, and cultural significance were permitted by Council to be cleared as recently as the past few years. It is imperative that Council treats all of its constituents equally, whether they are developers or a religious organisation.

Finally, we note that many considerations have not been taken into account by Council. One such consideration is that the Property currently has a tennis Court and dwellings other than [REDACTED]. A heritage overlay would restrict our client from developing

these aspects of the Property despite them having no historical significance.

We invite Council to reach out to us and our client for further consultation prior to the Scheduled Council Meeting.

Yours faithfully



[REDACTED]

From:

Sent:

[REDACTED]
Friday, 16 July 2021 3:19 PM

To:

Cc:

Subject:

[REDACTED]
Amendment C127

Attachments:

[REDACTED]
- Amendment C127.pdf

[REDACTED]

Dear Council and Councillors,

Please find attached the [REDACTED] submission to exhibition of Amendment C127macr.

Thank you.

[REDACTED]

To: Macedon Ranges Shire Council

Amendment C127macr – Application Of Heritage Protections

SUBMISSION

16 July, 2021

Thank you for this opportunity to comment.

1 Application of Overlays

1.1 Heritage Overlays

Amendment C127macr [C127] proposes to apply 32 heritage overlays in response to the *Macedon Ranges Shire's Heritage Study: Woodend, Lancefield, Macedon and Mount Macedon Stage 2 Final Report (4 April, 2019)* [the Study].

The [REDACTED] supports application of these overlays in principle. While recognizing and applauding the progress C127 represents, it is regrettable that a relatively low number of sites are proposed for protection in the context of the higher number of sites identified in the predecessor *Macedon Ranges Cultural Heritage and Landscape Study 1994*.

1.2 Significant Landscape Overlays

Additional to the 32 sites proposed for heritage overlays in C127, the Study also recommended Significant Landscape Overlays [SLO] be applied to 18 sites to address vegetation and other considerations. Eight of these 18 sites were recommended for both Heritage and Significant Landscape Overlays, although C127 proposes only to apply the Heritage Overlays (with tree controls triggered) to these 8 sites.

As none of the Study's recommendations for application of the Significant Landscape Overlays are addressed in C127, 10 of the 18 sites recommended for an SLO are left with no protection at all. This is not acceptable.

Action Requested:

- a) That the Study's recommendations for Significant Landscape Overlays be included in Amendment C127.
- b) That, failing the application of SLOs in C127, Council apply for interim heritage overlays for these sites.

1.3 Future Lancefield Township Gap Study (Stage 2 Volume 1, 4.4)

The Study identifies 6 sites at Lancefield that were not included in this Study but are recommended for inclusion in a future Lancefield Township Gap Study, noting that "a number of similar houses to those..." were identified in the 2007 review and also exist. This leaves a considerable gap in heritage protection at Lancefield.

Action Requested: That Council apply for interim heritage overlays for these 6 properties and others identified in the 2007 to ensure they survive long enough to be assessed in a future Lancefield Township Gap Study.

2 Planning Scheme Provisions

2.1 Clause 21.08 Built Environment and Heritage

As a direct response to the Study's recommendations, Amendment C127 adds a new requirement to Decision Guidelines at Clause 21.08 relating to consideration of bushfire protection measures for applications under the Heritage Overlay.

The Study is not included as a Reference Document at Clause 21.08, nor is Clause 21.08 included as one of the planning scheme clauses relevant to the Study in the schedule to Clause 72.08, Background Documents (only Clauses 43.01 and 72.08 are referenced).

Action Requested: That Council review whether an additional reference to the Study either at Clause 21.08 or Clause 72.08, is required in relation to C127's Clause 21.08 changes.

2.2 Clause 43.01 Heritage Overlay Schedule - Zion Baptist Church (proposed HO342)

The Association takes issue with the Zion Baptist Church at Newham being identified as being located in "Woodend". C127's introduction of this "Woodend" location is a step too far and creates confusion. Neither the Zion Baptist Church nor Colwell's Road have any history of being identified as located in Woodend.

Change Requested: The Association asks that this heritage place's location be corrected to "Colwell's Road, **Newham**".

2.3 Clause 43.01 Heritage Overlay Schedule – Prohibited Uses at Lancefield

The schedule to Clause 43.01 shows that 4 of the 6 sites proposed for Heritage Overlay protection at Lancefield are proposed to be allowed to undertake prohibited uses. This is a surprisingly high number.

Action Requested: Please explain the criteria used to arrive at this outcome.

[REDACTED]

From: [REDACTED]
Sent: Friday, 16 July 2021 8:56 PM
To: Macedon Ranges Shire Council
Cc: [REDACTED]
Subject: Submission in response to Proposed Planning Scheme Amendment C127macr
Attachments: 21-000284-006-PS-AU-EL.pdf

Dear Sir/Madam

[REDACTED] continues to act on behalf of [REDACTED] in relation to their property known as [REDACTED].

Please find attached our submission in response to the exhibition of Proposed Planning Scheme Amendment C127 macr.

We understand the Amendment seeks to implement the adopted Macedon Ranges Heritage Study: Woodend, Lancefield, Macedon and Mount Macedon Stage 2 Final Report 4 April 2019 by proposing to place a permanent heritage overlay over this land.

We welcome a meeting to further discuss our submission when convenient.

I can be contacted on [REDACTED]

[REDACTED]

Planning Submission in response to Planning Scheme Amendment C127

DOCUMENT CONTROL

ISSUE	DATE	ISSUE DETAILS	AUTHOR	CHECKED	APPROVED
A	July 2021	Final Submission			

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1 Snapshot

Table 1: Submission Details

Submission Details	
Applicant:	<div></div> <div></div>
Subject Site:	<div></div> <div></div>
Submission to:	Plann ng Scheme Amendment C127
Council:	Macedon Ranges Shire Council

2 Summary

Planning Scheme Amendment C127, prepared by Macedon Ranges Shire Council is currently on exhibition. This submission provides a response to the above-mentioned Planning Scheme Amendment on behalf of [REDACTED].

The Amendment affects land at thirty-two (32) individual heritage places located in Lancefield, Macedon, Mount Macedon, Woodend and Woodend North. The Amendment implements the *Macedon Ranges Heritage Study: Woodend, Lancefield, Macedon and Mount Macedon Stage 2 Final Report 4 April 2019 (2 volumes) to apply the Heritage Overlay to thirty-two (32) individual heritage places.*

In the background stages of this Amendment, a total of fifty-six (56) properties were reviewed and assessed against the recognised heritage criteria set out in the Planning Practice Note 1 *Applying the Heritage Overlay (August 2018)*. Of these, 32 were found to meet the threshold for inclusion in the Heritage Overlay. One of these 32 sites was the site at [REDACTED], herein known as the subject site.

The subject site is comprises [REDACTED] which have a collective area of approximately [REDACTED]. There is a dwelling on the site that was built in 1924. The house is sited centrally on the property and is concealed from the street by vegetation.

The site is zoned Low Density Residential with a number of overlays affecting the site. One of these overlays is an [REDACTED] Overlay which covers the whole site. The Planning Scheme Amendment C127 has proposed the Heritage Overlay [REDACTED] to be retained over the subject site.

This submission outlines a number of concerns with the exhibited citation for the property and objects to the inclusion of the whole of the land within the Heritage Overlay.

In the Statement of Significance for [REDACTED], only the house and immediately surrounding vegetation has been raised as significant. However, the balance of the subject site has been included within the proposed overlay area.

Subject to the provision of adequate information to support the citation and subsequently the introduction of the heritage overlay at all, it is submitted that if there were to be a Heritage overlay on the property, that area should be confined to the dwelling and immediately surrounding garden area.

In summary, it is submitted that:

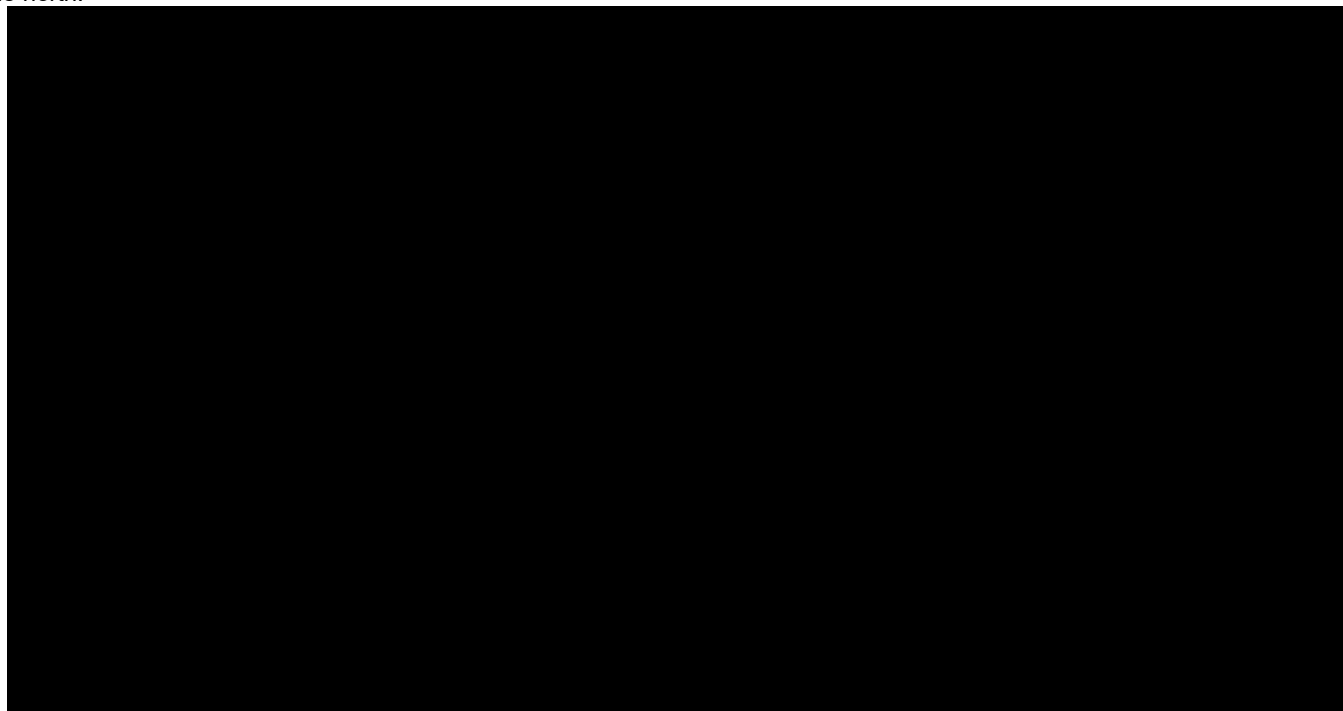
- Insufficient information has been provided to support the application of Criterion A, D, E and H within the exhibited Statement of Significance for the property [REDACTED].
- Without the provision of supporting information the inclusion of this land within a permanent Heritage Overlay control is not warranted.
- Should additional information be provided in order to meet the requirements of Planning Practice Note 1: Applying the Heritage Overlay (PPN1) and the citation deemed appropriate, the extent of the Heritage Overlay should be confined to the house and the landscape features to the south of the house (the areas currently contained within [REDACTED] or the proposed [REDACTED] the plan extract provided in [REDACTED] this submission at the absolute most.

3 Relevant Planning Background

3.1 Restructure Overlay

The [REDACTED] Restructure Plan was introduced by Council in 2013. The plan covers the [REDACTED] other parcels further east abutting [REDACTED]

The plan provides for an adjustment to the existing title boundaries, to continue to provide for a total of five allotments however, provides battle axe access to the existing [REDACTED] which otherwise would have required access via the unmade [REDACTED] to the north.



3.2 Re- subdivision

A Planning Permit Application for the re-subdivision of the [REDACTED] titles and associated vegetation removal and works was lodged with Macedon Ranges Shire Council on [REDACTED]

This application remains live with Council and has not proceeded to public notification due to Council's desire to resolve the heritage matters as an input to that application and due to conflicts between the existing Restructure Overlay Plan referenced by the planning scheme and the location of significant vegetation on the site which the plan below responds to however the provisions of the Restructure overlay state that any re-subdivision "must" be in accordance with the plan.

As can be seen below, the proposed plan provides for the house, sheds and surrounding garden to be contained within the one allotment.

3.3 Buildings and Works

Prior to Council's public exhibition of the proposed heritage controls, an application was also lodged for buildings and works for the purpose of an extension to the existing dwelling. This application was considered and a permit about to issue, however prior to the preparation of the officer report, Council officers informed that a Planning Scheme Amendment to review the Heritage Overlay was imminent and as such, recommended that the dwelling extension application was withdrawn pending the outcome of the Heritage Overlay Amendment. This application is on hold with Council pending the outcome of this amendment.

3.3 [REDACTED] Overlay ([REDACTED])

[REDACTED] were liaising with Council with a view to a meeting between Council's Heritage Consultants and our privately engaged consultant to resolve the concerns with the proposed Statement of Significance and reach a position where the proposed subdivision realignment could continue however, Council officers proceeded to seek an [REDACTED] control over the property in the [REDACTED].

Planning Scheme Amendment [REDACTED] was gazetted on 11 June 2020 which applied an [REDACTED] heritage overlay control on the site which expires 11 December 2021. As part of this, the [REDACTED] was incorporated into the Planning Scheme.

Our concerns were raised with the Department of Water Environment and Planning about the handling of the [REDACTED] heritage overlay and specifically the inaccuracies in the briefing that was provided to the Minister for Planning in pursuit of this control. It was and remains our submission that there is and was no imminent threat to the building. Our client's were and are willing to work with Council to reach an agreed position in relation to the re subdivision application, the heritage controls and any future building extensions.

4 Site and Surrounds

4.1 The site

The subject site is made up of [REDACTED] as shown in Figure 4.1 below.



The subject site is generally square in shape with an area of [REDACTED]. The site has a frontage to [REDACTED] to the west of approximately [REDACTED] to the south of approximately [REDACTED] (not currently constructed) forms the northern boundary of the site, and a narrow drainage reserve forms the eastern boundary.

The whole of the site is zoned Low Density Residential Zone (LDRZ). The site is affected by the Environmental Significance Overlay - Schedule 4 (ESO4), Restructure Overlay - Schedule [REDACTED] Vegetation Protection Overlay - Schedule 1 (VPO1) and Schedule 9 (VPO9), Land Subject to Inundation Overlay (LSIO) and the [REDACTED].

The northern area of the property is within an Area of Aboriginal Cultural Heritage Sensitivity due to being within close proximity of the [REDACTED] has been prepared by [REDACTED], however, this has not been submitted for approval as yet.

The subject site contains an existing dwelling located centrally on the site. The site comprises a number of smaller outbuildings and a swimming pool located in close proximity to the existing dwelling. There is also a small dam to the east of the dwelling. The site is currently accessed from [REDACTED] via an unsealed crossover. A secondary access point is available via a gate onto [REDACTED] in the south west corner however this is utilised for pedestrian access only. The majority of vegetation on site is contained along the western boundary within the existing wire fence line as well as surrounding the dwelling. Refer to Figure 4.2 below for the aerial photo of the site.

The site is within the [REDACTED] township boundary and is identified for Low Density residential. Land to the south of [REDACTED] is zoned Neighbourhood Residential and land to the west of [REDACTED] is zoned Industrial 3. Land to the north and east is similarly zoned Low Density Residential.

[REDACTED]

The site is located approximately [REDACTED] commercial centre. [REDACTED] is approximately [REDACTED] to the west. Approximately 100m to the north is the [REDACTED] which is contained within a linear reserve.

[REDACTED]

4.2 Zoning

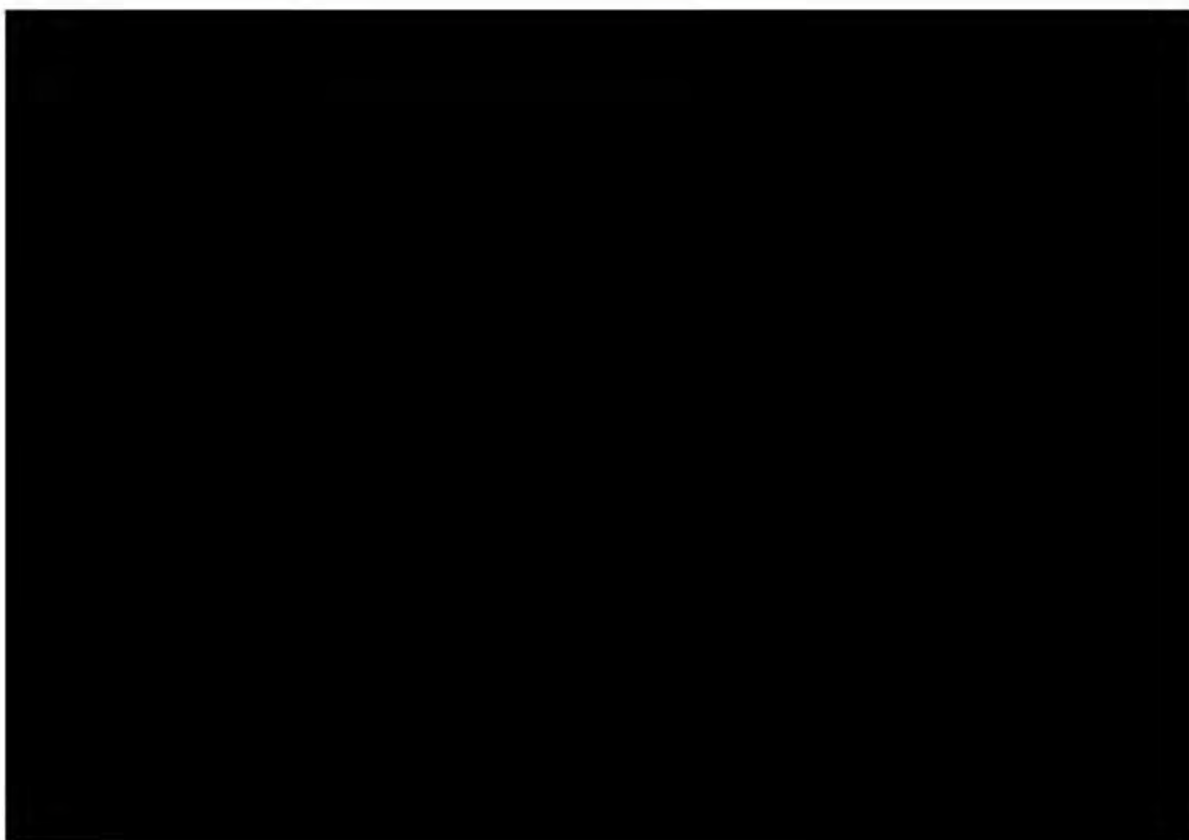
The subject site is within the Low Density Residential Zone (Clause 32.03) as shown in Figure 4.3 below.

The purpose of the Low Density Residential Zone is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater.*

The zone specifies a minimum subdivision area of:

- 0.4ha for each lot where reticulated sewerage is not connected
- 0.2ha for each lot with connected reticulated sewerage.



4.3 Overlays

4.3.1 Environmental Significance Overlay

Clause 42.01 (Environmental Significance Overlay) – Schedule 4 applies to the whole site.

The purpose of Clause 42.01 is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To identify areas where the development of land may be affected by environmental constraints.*
- *To ensure that development is compatible with identified environmental values.*

Schedule 4 is in relation to the Eppalock Proclaimed Catchment. The environmental objective to be achieved is to *ensure the protection and maintenance of water quality and water yield within the Eppalock Water Supply Catchment Area as listed under Section 5 of the Catchment and Land Protection Act 1994.*

4.3.2 Vegetation Protection Overlay

Clause 42.02 (Vegetation Protection Overlay) applies to the site.

The purpose of the Vegetation Protection Overlay is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To protect areas of significant vegetation.*
- *To ensure that development minimises loss of vegetation.*
- *To preserve existing trees and other vegetation.*

- *To recognise vegetation protection areas as locations of special significance, natural beauty, interest and importance. To maintain and enhance habitat and habitat corridors for indigenous fauna.*
- *To encourage the regeneration of native vegetation.*

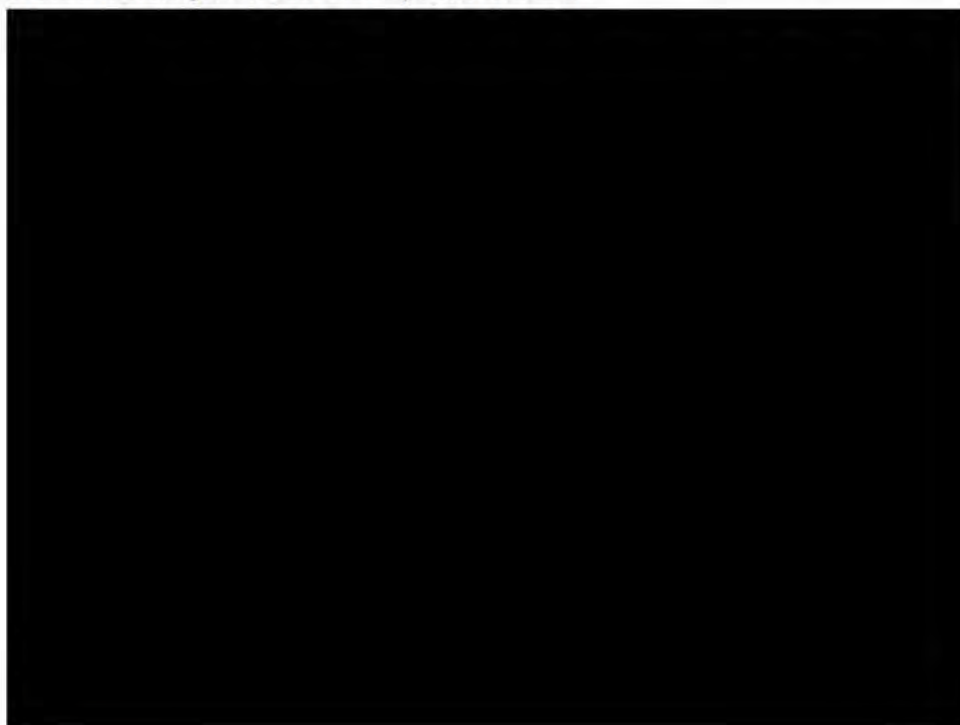
applies to the south west corner of the site and applies to the balance of the land as shown in 4.4.

Schedule 1 relates to the Black Gum areas. The vegetation protection objectives to be achieved are *to protect all remnant Black Gums and to conserve the habitat and environs of this species of eucalypt*. A permit is required to remove, destroy or lop remnant Black Gum vegetation.

Schedule 9 relates to the Living Forest. The statement of nature and significance of vegetation to be protected under Schedule 9 is:

- *Council's vision for the areas around Woodend, Macedon and the Cobaw Ranges is protecting and enhancing the existing forest mosaic. This native vegetation is considered valuable for its environmental role, including its contribution to biodiversity, and for the part it plays in the character and amenity of the Shire.*

The vegetation protection objective to be achieved is *to protect and enhance all remnant native vegetation for its role in biodiversity, natural resource management and landscape and character.*



4.3.3 Heritage Overlay

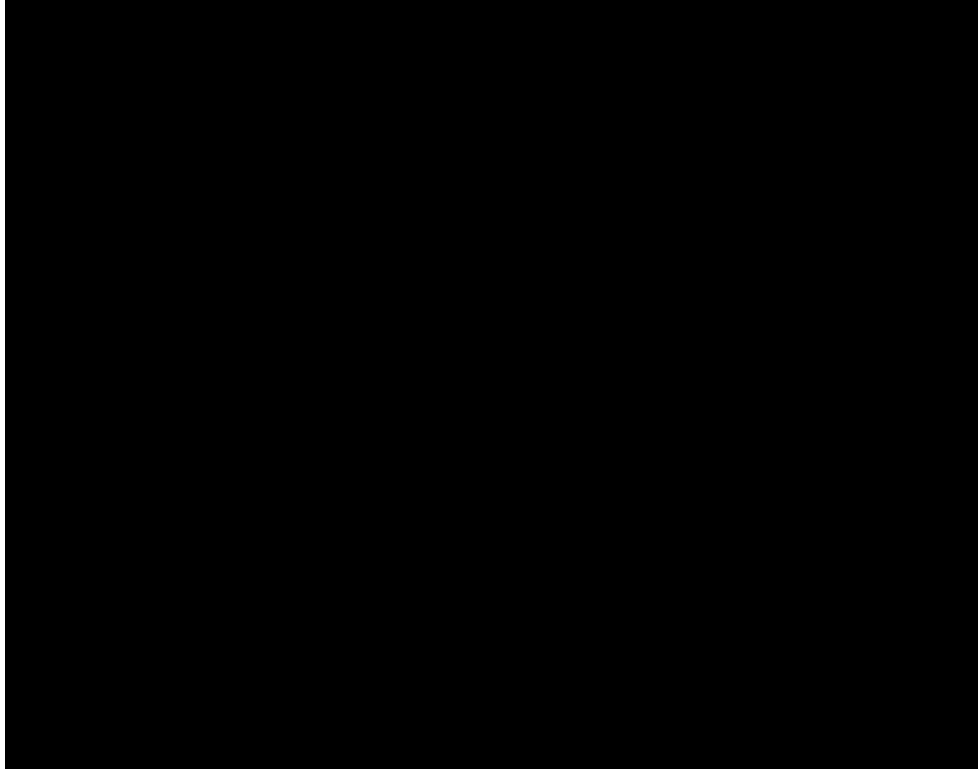
Clause 43.01(Heritage Overlay) affects the whole subject site as shown in Figure 4.5.

The purpose of the Heritage Overlay is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *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 specified 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 schedule to the Heritage Overlay identifies the heritage place [REDACTED] on the site. It is also noted in the schedule that this is



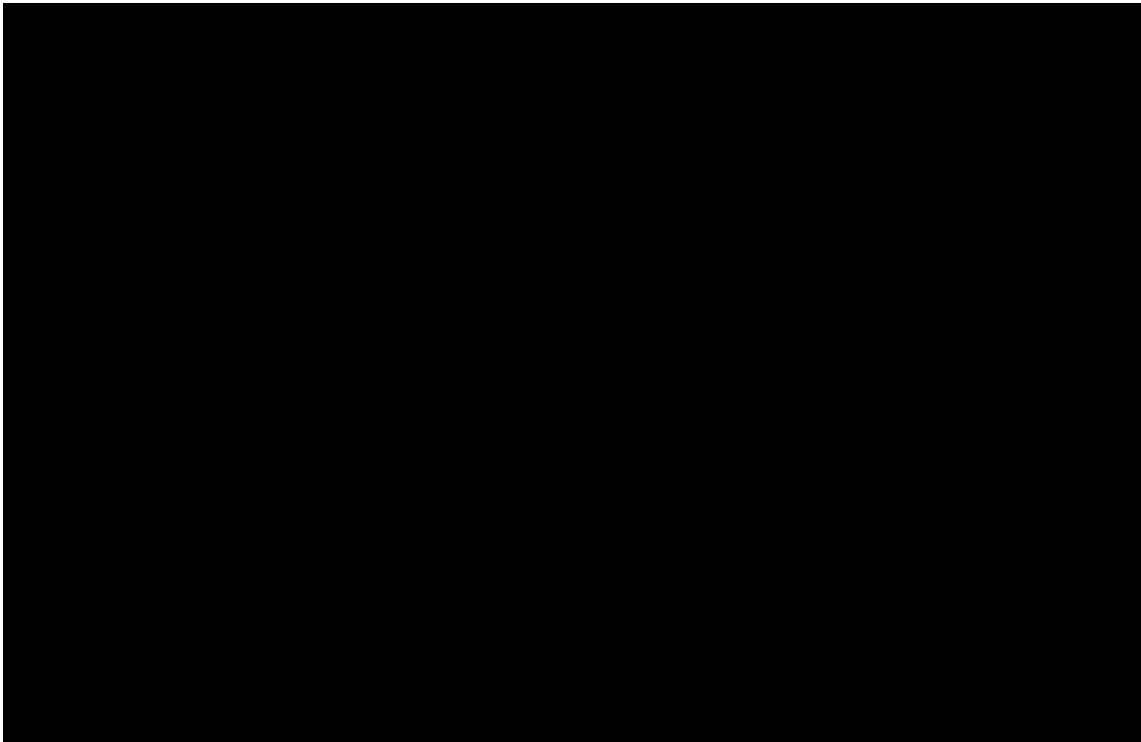
an [REDACTED] control which expires 1 [REDACTED]. The heritage place on site is named [REDACTED] with a reference to the [REDACTED] *Statement of Significance 2019*. This is examined further in [REDACTED] of this submission.

4.3.4 Land Subject to Inundation Overlay

The Land Subject to Inundation Overlay ([REDACTED]) applies to a small area in the north eastern corner of the site as shown in Figure 4.6.

The purpose of Clause 44.04 is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To identify land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority.*
- *To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.*
- *To reflect any declaration under Division 4 of Part 10 of the Water Act, 1989 where a declaration has been made.*
- *To protect water quality and waterways as natural resources by managing urban stormwater, protecting water supply catchment areas, and managing saline discharges to minimise the risks to the environmental quality of water and groundwater.*
- *To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.*



4.3.5 Restructure Overlay

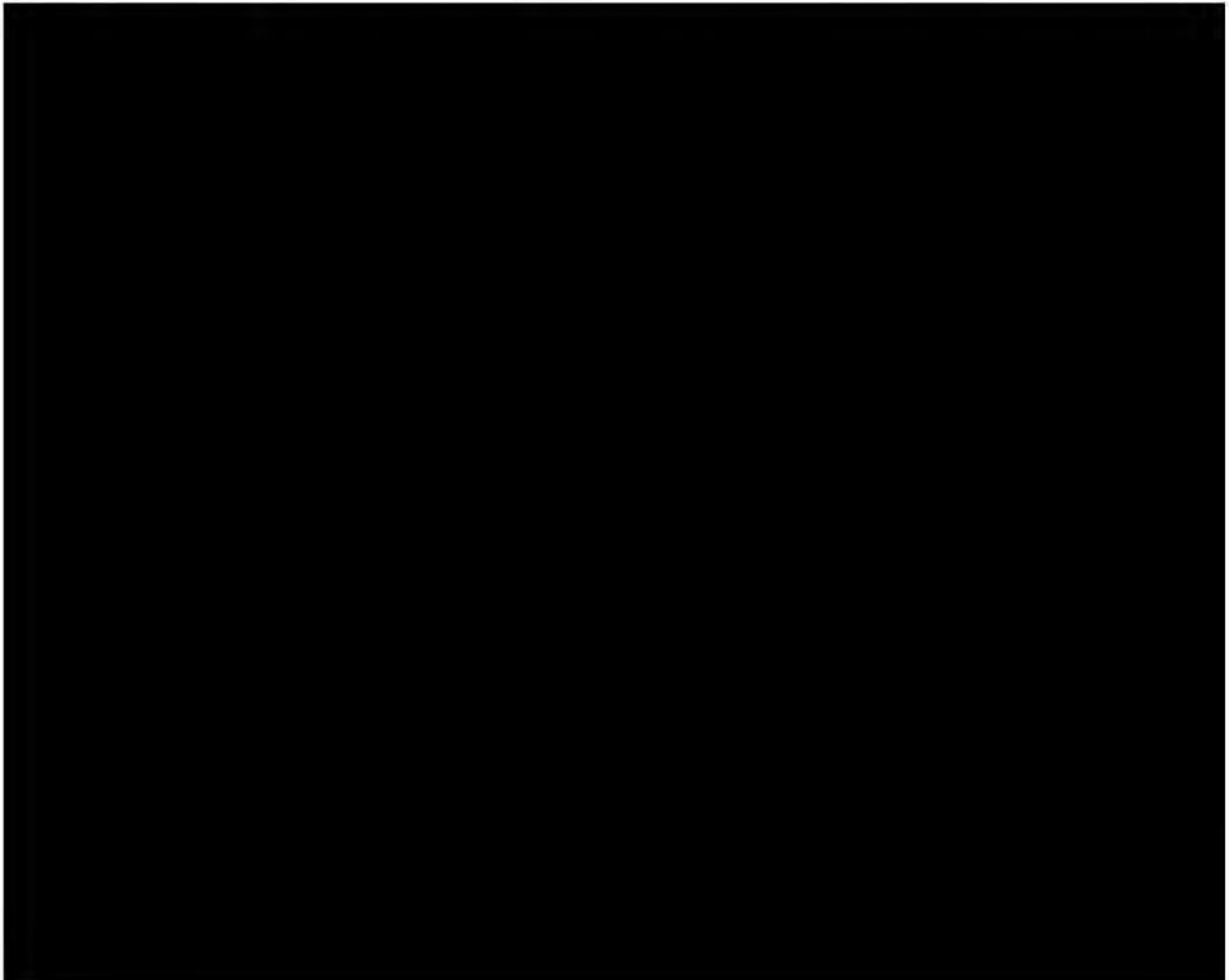
The Restructure Overlay () affects the whole subject site.

The purpose of the overlay is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To identify old and inappropriate subdivisions which are to be restructured.*
- *To preserve and enhance the amenity of the area and reduce the environmental impacts of dwellings and other development.*

Pursuant to Clause 45.05-1, a permit is required to subdivide land. A subdivision must be in accordance with a restructure plan for the land listed in the schedule to this overlay.

Schedule [REDACTED] applies the [REDACTED] Restructure Plan which is shown in the excerpt below. This Restructure Plan is an incorporated document of the Macedon Planning Scheme.



5 Current Planning Context

5.1 Planning Policy Framework

There are a number of state-level planning policies relevant to this submission. These are summarised below.

Clause 11 – Settlement

This clause seeks to plan for and respond to the existing and future needs of communities through providing zoned land that is appropriately serviced, accessible and environmentally sustainable.

This clause seeks, amongst other things, to promote sustainable growth and development (Clause 11.01-1S Settlement), to ensure a sufficient supply of land is available, including for residential purposes (Clause 11.02-1S Supply of urban land), as well as to protect and enhance the valued attributes of identified distinctive areas and landscapes (Clause 11.03-5S Distinctive areas and landscapes). New subdivision or development must recognise these features and avoid undermining the long-term natural or non-urban use of land in these areas. In addition, new development must consider the distinctive characteristics and needs of regional and local places in planning for future land use and development (Clause 11.03-6S Regional and local places).

Clause 12 - Environmental and Landscape Values

This clause seeks to protect the health of the State's ecology and the biodiversity it supports as part of environmentally sustainable development. The Macedon Ranges in particular is identified at **Clause 12.05-1S Environmentally Sensitive Areas** as being environmentally sensitive with significant recreational value, and as such development should not negatively impact these values, nor the landscapes of the area.

Clause 13 – Environmental Risks and Amenity

This clause outlines a number of factors that are risks to and from the environment, including climate change, flooding and bushfire. In particular, **Clause 13.03-1S Floodplain Management** aims to assist the protection of life, property and community infrastructure from flood hazard and protect the floodplain areas of environmental significance.

Clause 15 - Built Environment and Heritage

At this clause, planning plays a key role in delivering liveable and sustainable cities, towns and neighbourhoods. Planning should ensure all land use and development appropriately responds to its surrounding landscape and character, valued built form and cultural context.

In particular, **Clause 15.01-3S Subdivision design** has the Objective '*To ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods.*' Such as through creating compact neighbourhoods and providing a range of lot sizes to suit a variety of dwelling and household types to meet the needs and aspirations of different groups of people. **Clause 15.03-1S Heritage conservation** also has relevance which aims to ensure the conservation of places of heritage significance. **Clause 15.03-2S Aboriginal cultural heritage** aims to ensure the protection and conservation of places of Aboriginal cultural heritage significance.

Clause 16 - Housing

This clause identifies that planning should provide for housing diversity and ensure the efficient provision of supporting infrastructure. It also notes that planning should ensure the long-term sustainability of new housing, including access to services, walkability to activity centres, public transport, schools and open space. Planning for housing should include the provision of land for affordable housing.

5.2 Local Planning Policy Framework

The following local policies are relevant to the site and this submission:

Clause 21.03 Vision – Strategic Framework Plan

This clause seeks to direct development in accordance with the vision for the municipality which is:

'We aspire to provide leadership in this inspiring region by providing the opportunity for all to live a fulfilling life, while continuing to protect our heritage, environment and sense of community through our shared commitment to a sustainable Macedon Ranges.'

Part of the site is identified within the Living Forest area (Vegetation Protection Overlay – Schedule 9). The vision and strategic direction for the Living Forest is:

- *Enhance the significant and sensitive environmental assets - including Mount Macedon, forested areas around Woodend, the Cobaw Ranges and special water supply catchments.*
- *Limit residential development on existing lots where positive environmental outcomes are achieved and existing vegetation will not be compromised by requirements for dwelling sites, fire protection buffers and other associated infrastructure.*

Clause 21.04 Settlement

This clause seeks to manage growth in the Shire, noting that growth *"is influenced by many factors, particularly regional transport corridor improvements, bushfire risk, community infrastructure and the potential for residents to commute to metropolitan Melbourne while living in an attractive rural or semi-rural environment."*

Clause 21.05 Environment and Landscape Values

Consideration must be given to the preservation and enhancement of the Shire's natural environment which contributes to the Shire's attractiveness as a residential living area and tourist destination. The objectives of this clause are to conserve the biodiversity values of the Shire by protecting, enhancing, managing and restoring indigenous vegetation and fauna habitat and to protect and enhance the existing forest mosaic in the Living Forest area identified on the Rural Framework Plan.

Clause 21.08 Built Environment and heritage

This clause identifies that the high landscape qualities of the Shire and the built form of its towns must be appropriately controlled to ensure development is sustainable and respects character. Clause 21.08-1 Heritage Conservation has the objective to protect and enhance important heritage features and values for residents, visitors and future generations. Clause 21.08-2 Aboriginal cultural heritage has the objective to protect Aboriginal cultural heritage places and values within the Shire.

Clause 21.09 Housing

The objectives of Clause 21.09 (Housing) are to provide for responsive and affordable housing and a diversity of lot sizes and styles to meet the requirements of all age groups, household types, lifestyles and preference, ensure housing development is considerate of its environment and local servicing capacities and to encourage housing development to be environmentally sustainable.

Clause 21.13 (Local Areas and Small Settlements)

Clause 21.13 is relevant to the site. The objectives are as follows:

- Settlement – to provide for managed growth of by prioritising growth within the identified town boundary and within the protected settlement boundary applied by the Macedon Ranges Statement of Planning Policy, 2019.
- Environmental and landscape values - to preserve the visual and physical integrity of Woodend's key landscape features including . To protect and enhance the rural character of the township entrances and gateways.
- Environmental Risk - to substantially restrict development in areas subject to flooding and high bushfire risk.
- Housing - to increase the range of housing options available to cater for the longer term needs of all members of the community.

The site is shown on the Neighbourhood Character Precinct Map as within Precinct 7 - Large Lot Rural Living. The precinct's preferred future character comprises:

- Dwellings sited on large lots that integrate with the topography and rural setting of the area.
- Vegetation remaining the dominant characteristics with retention of large canopy trees.
- Rural style fencing that reinforced the rural feel of the area.

The strategies to achieve this character include:

- 9.1 Maintain the spacious character of the area by siting new development to accommodate adequate landscaping (including canopy trees), using appropriate building footprints, and minimising hard surfaces. In particular, require the following:
 - Side setbacks of at least 5 metres.
 - Front setbacks of 15 metres or the average distance of the adjoining two dwellings.
 - A maximum site coverage of 10 per cent for building footprints, and a minimum 40 per cent coverage for permeable ground surfaces.
- 9.2 Maintain the predominant single storey character of the streetscape by minimising the visibility of second storey development from the street. This could be achieved by avoiding sheer two storey front walls, containing the second storey within the roof form or setting it behind the first storey roof.
- 9.3 Require the use of materials and colours that are complementary to the rural setting of the precinct, such as timber, brick and earthy, neutral tones.
- 9.4 Maintain vegetation cover and the visual dominance of vegetation over buildings.
- 9.5 Maintain the streetscape pattern of detached dwellings.
- 9.6 Require garages and carports to be set back behind the front façade of dwellings or sited to the rear of the property.

9.7 Require rural style post and wire or post and rail fencing where fencing is proposed.

9.8 Maintain the informal street character including wide verges, native planting and gravel roads and driveways, and provide informal footpaths (e.g. granitic sand), where necessary.

5.3 Macedon Ranges: Distinctive Areas and Landscapes Statement of Planning Policy

In 2018, Macedon Ranges region was declared as the first Distinctive Area and Landscape under the new Part 3AAB of the Planning and Environment Act 1987. The legislation identified the Macedon Ranges as an area of outstanding environmental and cultural significance to be protected.

The associated statement provides a framework to ensure the outstanding and valuable landscapes, layers of settlement history, impressive landforms, diverse natural environment, catchments and biodiversity of the Macedon Ranges are protected, conserved and enhanced and continue to be of special significance to the people of Victoria. Of significance to this submission, is sets out the policy for post-contact cultural heritage.

Specifically, Objective 5 of the Statement of Planning Policy is *to recognise, conserve and enhance the declared area's significant post-contact cultural heritage values*. To achieve this, the policy sets out the following strategies:

- *Conserve and enhance the character of state and/or nationally significant post-contact cultural heritage values (including aesthetic, historic, scientific, social and spiritual values) in the declared area's heritage places, precincts and landscapes, including sequences of views along main road and rail routes.*
- *Acknowledge, promote and interpret significant post-contact cultural heritage values in planning, design, development and management of land uses, including infrastructure.*

5.4 Planning Practice Note 1 – Applying the Heritage Overlay

This Practice note provides guidance for applying the Heritage Overlay. The Practice Note outlines the recognised Criteria being Criteria A through to H being:

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 understanding 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).

The Practice Note also provides guidance around applying external paint controls, internal paint controls, tree controls, internal alterations, outbuildings and fences.

6 Submission to the Planning Scheme Amendment

This submission questions the strength of the information put forward in the proposed Statement of Significance to warrant to the inclusion of the site within a Heritage Overlay having regard to Practice Note 1 and the model criterion outlined therein and broadly adopted across Australia also known as HERCON.

This point is expanded upon below and in the attached Memorandum of Heritage Advice provided by [REDACTED] provided at Appendix A to this submission.

6.1 [REDACTED] Statement of Significance, May 2021

The Statement of Significance identifies the Integrity of the site as “Very High”. It is submitted that as Council’s consultants were not given permission to access the site, insufficient information was available to reach the conclusion that the integrity of the site was “Very High”.

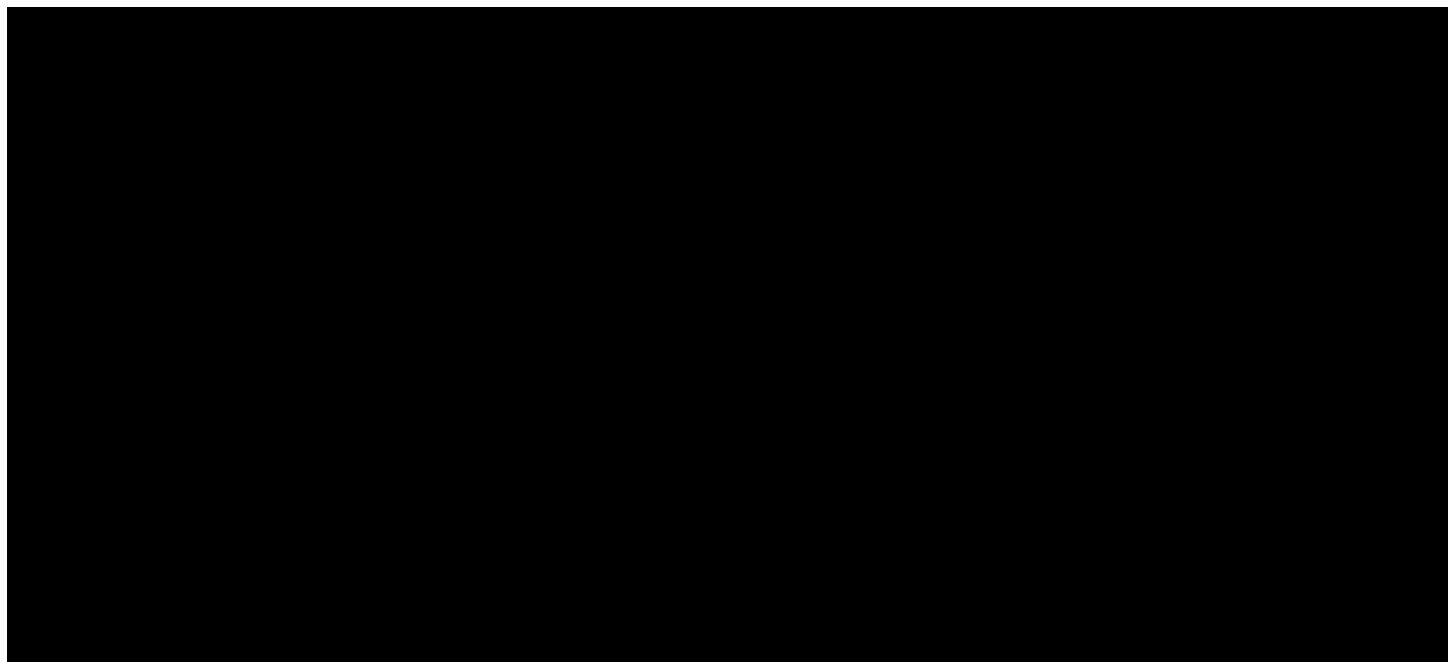
The [REDACTED] advice questions this categorisation advising that the property has undergone change.

[REDACTED] reviewed plans of the dwelling dated 2012 and inspected the property in April 2020. [REDACTED] concluded that collectively the integrity of the property is not “Very High”.

The [REDACTED] advice notes the following changes to the dwelling which confirm that the property is not at the level stated:

1. The rear (north) of the house has been altered through the internal opening-up of spaces to the north west corner of the service wing;
2. The current sunroom at the rear has undergone alteration with changes noted to the windows and doors, which are like those seen on the rear annex to the garage;
3. The external rear wall of bed 2 is not original;
4. The carport fronting [REDACTED] is not original ;
5. The front porch has had the low brick walls, flanking the entrance, removed and
6. The garage has seen both external and internal alterations and additions.

Some of these changes are shown in the images below:



Having regard to the HECRON Criteria, the [REDACTED] advice details a lack of information and robust comparative analysis to support Criterion A, D, E and H.

The Exhibited citation states that [REDACTED] *is illustrative of residential development which occurred in rural townships in the inter-war years of the twentieth century and has associations with the establishment of easily accessible summer residences by Wealthy Victorians (Criterion A).*

This statement is extremely broad and could be applied to quite a number of residences in the Macedon Ranges and Rural townships more broadly if such a wide sweeping description were deemed enough to satisfy criterion A.

There is no clear evidence that the property was a summer residence and as outlined in the [REDACTED] advice, the historical and physical evidence seen on site demonstrates that the subject site was not a summer residence but a permanent home.

Further, the citation provides little information about the family and does not inconclusively class them as "Wealthy Victorians". As advised by [REDACTED] back in April, building a permanent residence and having a car in the 1920's was not unheard of for the middle classes, especially at a time of prosperity and changes in social attitudes following World War 1.

There is simply not enough evidence in the citation to make such assertions for the purpose of satisfying Criterion A.

Criterion E relates to aesthetic significance. We submit that this Criterion is also not met by the exhibited citation. There is no comparative analysis to determine what is typical of a house in the 1920's in [REDACTED].

Criterion H relates to a Special association with the life or works of a person, or group of persons, of importance in our history (associative significance).

The exhibited Statement of Significance attributes the design of the house to [REDACTED] however we submit that there is insufficient evidence to confirm that the design was in fact [REDACTED]. There is no conclusive evidence that the design is by him.

It is our submission, informed by the advice of [REDACTED] that the Statement of Significance over emphasises [REDACTED] eminence in this case as [REDACTED] had a central drawing office that operated as an architectural consulting firm that produced renderings and other architectural services for other architectural firms.

Furthering that possibility, the Statement of Significance states "no other houses in the Shire of Macedon Ranges have been identified as the work of [REDACTED]". All that appears in terms of evidence is an article with a render of the house which bears the name [REDACTED] 1924 and is titled "New country Bungalow at [REDACTED]".

6.2 Proposed Tree controls & Outbuildings and Fences Control

It is submitted that there is insufficient justification to impose the tree controls proposed within the overlay schedule. The exhibited documents include the following statements:

6.2.1 Proposed Tree Controls

The statements contained within the tracked changed schedule are very general and lack clarity around what vegetation on the site is in fact significant. There has been no assessment by an experienced landscape/garden expert.

Planning Practice Note 1 specifically outlines *“Tree controls should only be applied where there has been a proper assessment. The statement of significance should identify the particular trees that are significance (under What is significant?) and why the tree or trees are important”*. *Planning Practice Note 1: applying the Heritage Overlay* (PPN1) pg.4.

No such work has been undertaken. Instead, the statements included are sweeping and general. The hedge in particular, is not original and bears no significance to the original dwelling and garden.

As outlined in the Memorandum of advice from [REDACTED], the inclusion of the tree controls as exhibited contravenes the guidance provided by *Planning Practice Note 1: applying the Heritage Overlay* (PPN1)

6.2.2 Outbuildings and Fences Control

The track changes make similar generalised statements about the garage. The Statement of Significance however, contains nothing that identifies why the garage is significance and why it is important which again contravenes the guidance provided by *Planning Practice Note 1: applying the Heritage Overlay* (PPN1).

6.3 Extent of Heritage Overlay

The existing and proposed Heritage Overlay covers the whole of the site at [REDACTED].

This submission has raised significant concerns about the lack of justification for the Heritage Overlay to be placed on this land at all.

Should those shortcomings be rectified through the provision of greater evidence, it is submitted that the heritage overlay across the whole of the site is not warranted.

The heritage advice provided by [REDACTED] the proposed subdivision provide sufficient space around the house to enable it to be understood and read as a residence within a country setting. The balance of the site (proposed lots [REDACTED]) do not contain any elements of historical significance and contribute little to the setting of the subject site.

For this reason, it is submitted that if Council was to continue it's proposal to place a heritage overlay on the site, the extent of the overlay should be reduced to cover the elements identified as significant i.e to the extent shown below:

7 Conclusion

It is submitted that the [REDACTED] Statement of Significance is flawed, insufficient information has been provided to support the application of Criterion A, D, E and H within the exhibited citation for the property at [REDACTED] and without the provision of sufficient supporting information, the inclusion of this land within a permanent Heritage Overlay control is not warranted.

Should additional information be provided in order to meet the requirements of Planning Practice Note 1: Applying the Heritage Overlay (PPN1) and the citation deemed appropriate, the extent of the Heritage Overlay should be confined to the house and the landscape features to the south of the house (the areas currently contained within [REDACTED] of this submission at the absolute most

We look forward to Macedon Ranges Shire Council's consideration of this submission and welcome a meeting to further discuss this property.

Appendix A

Memorandum of Heritage Advice, [REDACTED]

Memorandum of Heritage Advice

This memorandum (memo) of heritage advice is regarding the proposed inclusion of [REDACTED] (subject site) into a site-specific Heritage Overlay, which is proposed as part of the Macedon Ranges Shire Council's Planning Scheme Amendment C127.

A Peer Review of the 2018 Statement of Significance (SoS) and the undertaking of further investigations has highlighted several issues with the findings of the SoS, which in turn has questioned the validity of the proposal to include the site in a Heritage Overlay. Our findings are outlined below.

1. Integrity

The integrity of the subject site noted as *Very High*, which is not the case when comparing the original and 2012 plans. From our assessment the following areas have undergone change, which collectively indicate that the integrity is not at the level stated:

- The rear (north) of the house has been altered through the internal opening-up of spaces to the north west corner of the service wing
- The current sunroom at the rear has undergone alteration with changes noted to the windows and doors, which are like those seen on the rear annex to the garage.
- The external rear wall of bed 2 is not original
- The carport fronting [REDACTED] is not original
- The front porch has had the low brick walls, flanking the entrance, removed.
- The garage has seen both external and internal alterations and additions.

2. Assessment against the HERCON Criteria

There is a lack of information and robust comparative analysis to support the application of Criterion A, D, E and H.

Criterion A

The historical context and stylistic evidence are insufficient to support the claim that the house is an example of a summer residence built by "wealthy Victorians". The citation provides little information on the [REDACTED] and what is provided inconclusively classes them as "wealthy Victorians".

The historical and physical evidence seen on site demonstrates that the subject site was not a summer residence but a permanent home.

Criterion D and E

To warrant the application of aesthetic significance (Criterion D), the SoS identifies that "*It [REDACTED] displays typical features of a house of the 1920s in [REDACTED]*". However, the citation does not provide any comparative analysis to determine what is typical or gives local examples of other Inter-war residences in which to compare and benchmark the property to.

The comparative analysis provided appears to contradict this identification by informing "...that very few Inter-war houses in rural townships within the Shire are included in the Heritage Overlay", which questions how the SoS was able to say the house displays typical features of a 1920s house in [REDACTED] in the first place.

Criterion H

Insufficient evidence has been provided to attribute the design of the subject site specifically to [REDACTED]. This results in a lack of justification for associative significance.

3. Proposed Tree Controls

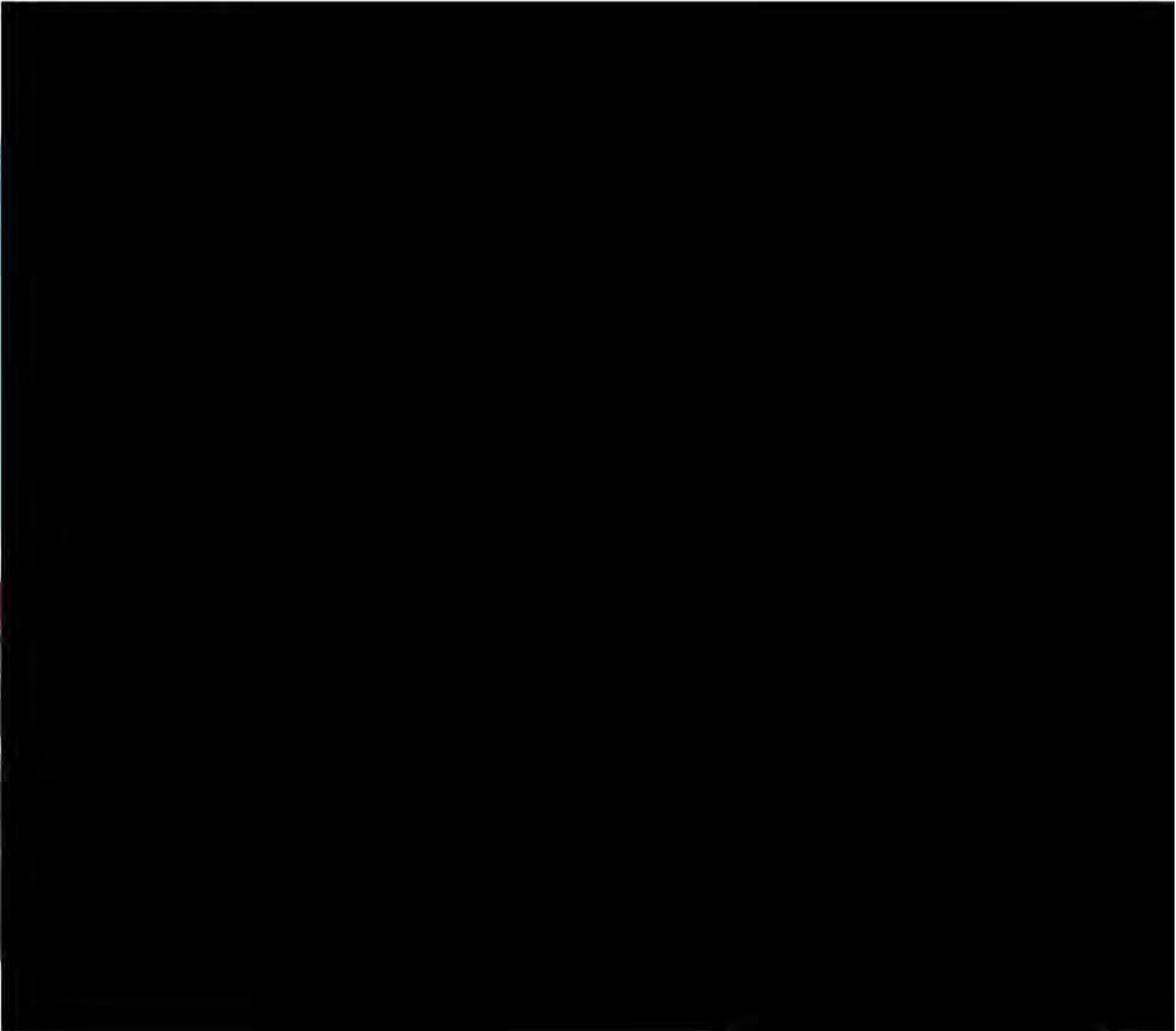
Insufficient justification has been provided to support the proposed tree controls. Statements in the citation are general, lack of clarity around what trees are covered and why the trees are important. There appears to be no assessment by an experienced landscape / garden expert, which contravenes the guidance provided by the *Planning Practice Note 1: Applying the Heritage Overlay* (PPN1).

4. Outbuildings and Fences Control

Again, insufficient justification has been provided to support the proposed outbuilding and fences control. The citation lacks any assessment or comparative analysis that identifies why the garage is important. This approach is also not in accordance with the guidance provided by the *Planning Practice Note 1: Applying the Heritage Overlay* (PPN1).

5. Proposed Heritage Overlay Boundary

The proposal to include the whole site [REDACTED] a Heritage Overlay is not warranted. [REDACTED] contain most of the landscape features and provide the attractive setting that the dwelling is within. They also provide adequate space around the house to enable it to be understood and read as a residence within a country setting. [REDACTED] are ancillary blocks that contribute little to the setting of the subject site.



From: Macedon Ranges Shire Council - do not reply <noreply@openforms.com>
Sent: Wednesday, 2 June 2021 11:47 AM
To: Macedon Ranges Shire Council
Subject: Amendment C127 - Macedon Ranges Shire Heritage Study



Amendment C127 - Macedon Ranges Shire Heritage Study

Make a submission	
Please share your feedback.	<p>I'm inquiring as to why heritage buildings from other areas in the Macedon Ranges (such as Gisborne, Riddells Creek etc.) are not included in this heritage overlay scheme?</p> <p>I am wondering whether this is because they are already subject to heritage overlay, because they fall under a separate scheme, or if they have just been excluded from this scheme altogether?</p> <p>Thanks.</p>
If you would prefer, you can also upload a written submission here. You can also upload any supporting information such as maps, photographs or other documents.	
Your contact information	
First name	
Last name	
Address	
Town	
Postcode	
Phone	
Email address	

[REDACTED]

From: [REDACTED]
Sent: Tuesday, 8 June 2021 12:36 PM
To: Macedon Ranges Shire Council
Subject: Heritage protection

Why isn't St Mary Anglican Church at Woodend included

Sent from my iPad

[REDACTED]

From: [REDACTED]
Sent: Thursday, 10 June 2021 3:01 PM
To: Macedon Ranges Shire Council
Subject: heritage planner

Dear Dr. Danielle Or,

Thanks for the letter about the heritage overlay on the former [REDACTED], The [REDACTED]

I have a question about the **Prohibited uses permitted**. (main house only)
As it doesn't explain what that really involves.
It does not explain **what is allowed and exactly what not.**

Can you clarify this better, more detailed please.

Thanks and Regards
[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: Thursday, 29 July 2021 4:30 PM
To: Dannielle Orr
Subject: HPE CM: [REDACTED]

CAUTION: This email originated from outside of Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi Dannielle,

Thank you for your time today and the speed of your response and follow up.

As requested, I would like a meeting to discuss the alteration to the proposed overlay on my property. [REDACTED]

[REDACTED].

In general, it is fine with what has been proposed, however the road is actually positioned outside the proposed area of the house and gardens and effectively cuts my property in two.

This appears to be a simple error in the outline, and I think is easily resolved.

I look forward to a proposed meeting next Wed at 12:30.

[REDACTED]. So

when you arrive could you please call me so I can bring you in?

Thanks again

[REDACTED]
[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: Friday, 13 August 2021 12:47 PM
To: Planning
Subject: PSA-21-00004 - MACR C127macr - PLANNING SCHEME AMENDMENT - Response - 27-07-2021 (A4074765)
Attachments: PSA-21-00004 - MACR C127macr - PLANNING SCHEME AMENDMENT - Response - 27-07-2021 (A4074765).docx

Good morning

Please find attached GMW's response to the above application.

Kind regards

[REDACTED]
Statutory Planning Partner



GMW Ref: PSA-21-00004
Doc ID: A4074765

Macedon Ranges Shire Council
Planning Department
planning@mrsc.vic.gov.au

27 July 2021

Dear Sir and/or Madam,

Planning Scheme Amendment C127macr

Thank you for your letter and information received 28 May 2021 giving Goulburn-Murray Water (GMW) the opportunity to consider this Planning Scheme Amendment.

GMW's areas of interest are surface water and groundwater quality, use and disposal. GMW requires that development proposals do not impact detrimentally on GMW's infrastructure and the flow and quality of surface water and groundwater. Applicants must ensure that any required water supplies are available from an approved source.

Based on the information provided, GMW has no objection to Planning Scheme Amendment C127macr.

If you require further information please e-mail planning.referrals@gmwater.com.au or contact 1800 013 357.

Yours sincerely

(original signed by [REDACTED])

[REDACTED]

SECTION LEADER STATUTORY PLANNING