

Planning and Environment Act 1987

Panel Report

**Brimbank Planning Scheme Amendment C200 Part 2
Grand Junction and Matthew's Hill Precinct**

16 October 2019

Planning and Environment Act 1987

Panel Report pursuant to section 25 of the Act

Brimbank Planning Scheme Amendment C200 Part 2

Grand Junction and Matthew's Hill Precinct

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Con Tsotsoros, Chair



Lucinda Peterson, Member

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Glossary and abbreviations

Act	<i>Planning and Environment Act 1987</i>
Council	Brimbank City Council
DELWP	Department of Environment, Land, Water and Planning
Planning Scheme	Brimbank Planning Scheme
Precinct	Grand Junction Estate and Matthew's Hill Precinct
Precinct Heritage Study	Grand Junction Estate and Matthew's Hill Precinct Heritage Study (updated 2018)

Overview

Amendment summary

The Amendment	Brimbank Planning Scheme Amendment C200 Part 2
Common name	Grand Junction and Matthew's Hill Precinct
Brief description and subject land	The Amendment proposes to apply the Heritage Overlay to 217 properties in Sunshine (see Figure 1), known as the Grand Junction and Matthew's Hill Precinct – exhibited with 223 properties
Planning Authority	Brimbank City Council
Authorisation	30 October 2018, subject to conditions shown in Chapter 1.2(ii)
Exhibition	7 February to 28 March 2019
Submissions	<p>Submissions were received from:</p> <ol style="list-style-type: none"> 1. Elias Morales (petition)* 2. Blaze Kirevski (petition) 3. Slobodanka and Mendo Dimkovska* 4. An Hoai Dao and Phuong Dinh Nguyen 5. Kerry and Leigh Health 6. Environment Protection Authority 7. William La Tegola 8. Mr Mohssen Barbar c/o Jessica Barbar 9. Steven Dimkopoulos* 10. Phu Nguyen 11. Joe Bonanno 12. Department of Transport 13. Charmaine Pienko 14. Josephine Maprock 15. Maureen Ansell 16. Aneve Geary and Marianne Rule 17. Tom Hals 18. A Kelemen* 19. Dr Liam Connell 20. Speroulla Christodoulou 21. Ewa and Wacek Kowalczyk 22. Colin and Margaret Craddock 23. Amy Chan 24. City West Water 25. Cozy Homes Developments Pty Ltd 26. Michelle and David Axiak* 27. Fabrice Galli

* Submissions raised issues related to properties in Part 1 of the Amendment

Panel process

The Panel	Con Tsotsoros (Chair) and Lucinda Peterson
Directions Hearing	Sunshine, 19 July 2019
Panel Hearing	Sunshine, 2 and 3 September 2019
Site inspections	Unaccompanied, 3 September 2019
Appearances	<ul style="list-style-type: none">- Brimbank City Council represented by Greg Tobin of Harwood Andrews, calling the following expert evidence:<ul style="list-style-type: none">- Heritage from Natica Schmeder of Context Pty Ltd- Heritage from Bryce Raworth of Bryce Raworth Pty Ltd- 57 Dickson Street owner represented by Luke Mooney of Planning & Property Partners- Cozy Homes Developments Pty Ltd represented by Panos Nickas of Nickas Legal- 76 Monash Street owner- 75 Dickson Street owner- 13 Hill Street owners- 77 Dickson Street owner
Citation	Brimbank PSA C200 Part 2 [2019] PPV
Date of this Report	16 October 2019

Executive summary

Brimbank Planning Scheme Amendment C200 Part 2 (the Amendment) seeks to implement the recommendations of the *Grand Junction Estate and Matthew's Hill Precinct Heritage Study* (updated 2018) by applying the Heritage Overlay (HO151) to the Grand Junction Estate and Matthew's Hill Precinct, Sunshine (the Precinct).

Context Pty Ltd prepared the *Grand Junction Estate and Matthew's Hill Precinct Heritage Study* (Precinct Heritage Study) and the *Half House, 108 George Street, St Albans Heritage Assessment Revised Report*.

The Precinct Heritage Study was prepared in two stages – Scoping and Precinct assessment. The preliminary boundary for the Precinct included the streets to the north and west of the railway lines, bound roughly by Dickson Street, Matthews Street, Withers Street/Station Place/Drayton Street, and Pizzey Street/Cornwall Road. The preliminary boundary included the most cohesive areas and was very similar to the Precinct proposed through the Amendment. It excluded an area of early post-war development at the southern end of Drayton Street (west side) and the adjacent group of contemporary dwellings at its junction with Hill Street.

Following further research in Stage 2, Context refined the Precinct boundary and prepared the Precinct Citation.

Before authorising the Amendment, the Department of Environment, Land, Water and Planning requested Council to obtain an independent peer review of the Precinct Heritage Study. Council engaged Heritage Alliance to conduct the peer review. Heritage Alliance recommended to:

- revise the Statement of Significance to clarify the Precinct boundaries and features
- modify the Precinct to exclude 4-6 Servante Street and 21 Whitty Street consistent with the Minister for Planning's conditions of authorisation
- recategorise nine properties to non-contributory due to alterations and additions
- change Clause 22.01 and the Heritage Design Guidelines to manage change in the Precinct.

The Department of Environment, Land, Water and Planning accepted the peer review recommendations over those in the Precinct Heritage Study. It applied conditions of authorisation which prohibited Council from exhibiting the Amendment until 3 Drayton Street; 4 Hill Street; 14 McKay Street; 81 Monash Street; 49 Parsons Street; 13 Robinson Street, 8, 14 and 15 Servante Street; 8 Tyler Street and 7 Victoria Street, Sunshine were recategorised to Non-contributory.

Key issues raised in submissions related to whether the Heritage Overlay should apply to land as a contributory or non-contributory property in the Precinct. Specifically, they referred to heritage significance, accuracy of the citation, alignment with zone purpose and policy intent, building condition, structural integrity, and impact on development opportunities, alterations, property value and costs.

Amendment C200 was exhibited from 7 February to 28 March 2019 and received 27 submissions, of which 22 related to the Precinct.

At its 21 May meeting, Council considered submissions to the exhibited Amendment and resolved to:

- split the Amendment into Part 1 (Half House at 108 George Street, St Albans and 9, 11, 13, 15 and 17 Whitty Street, Sunshine) and Part 2 (the Precinct)
- abandon Part 1
- request the Minister for Planning to appoint a Panel to consider submissions related to Part 2.

The Panel has considered issues raised in the 22 submissions related to the Precinct in response to the exhibition of the Amendment, observations from site visits, and submissions, evidence and other material presented to it during the Hearing.

The Panel considers that the Precinct is of local heritage significance and there is strategic justification to apply the Heritage Overlay. The Amendment is supported by, and implements the relevant sections of the Planning Policy Framework and is consistent with the relevant Ministerial Directions and Practice Notes. The Amendment is well founded and strategically justified based on the Precinct Heritage Study and its methodology. However, the peer review process and related conditions of authorisation resulted in serious errors that need to be pursued through a separate strategic process. The remainder of the Amendment should proceed subject to addressing the more specific issues raised in submissions.

The Panel considers that 57 Dickson Street has sufficient integrity to be categorised as Significant. It is appropriate and justified to include the following as properties in the Precinct:

- 67, 75 and 77 Dickson Street (land around the front dwelling) – rear dwelling should be recateorganised to Non-contributory
- 13 Hill Street
- 2, 13 and 15 McKay Street
- 75, 81, 82, 88 and 96 Monash Street
- 70 Parsons Street
- 12 Station Street
- 20 and 24 Tyler Street
- 49 and 81 Parsons Street
- 15 Servante Street.

The conditions of authorisation prohibited 49 Parsons Street, 81 Monash Street and 15 Servante Street from being correctly exhibited as Contributory properties. The requirement to recategorise them from Contributory to Non-contributory is:

- inconsistent with the methodology applied to assess properties in the Precinct
- inconsistent with the threshold for Contributory properties in Clause 22.01
- illogical when compared with other Contributory properties with altered buildings in the Precinct.

The properties at 81 Monash Street, 49 Parsons Street, 81 Parsons Street and 15 Servante Street should be recategorised to Contributory through a separate process to enable owners and tenants to comment on the changes. Council should assess 15 Servante Street for its individual significance in the Precinct.

For reasons of courtesy, Council should notify the property owners and tenants of 17 Robinson Street and 13 and 15 McKay Street of the proposal to recategorise their property from Contributory to Non-contributory before adopting the Amendment. Council should also explain in its report to the meeting where it will consider the Panel report, why the front façade alterations at 17 Robinson Street are unsympathetic and how they are significant enough to justify recategorising it to Non-contributory.

Council should consider including design guidance on relocating heritage buildings in Clause 22.01 or future heritage guidelines for the Precinct.

Recommendations

Based on the reasons set out in this Report, the Panel recommends that Brimbank Planning Scheme Amendment C200 Part 2 be adopted as exhibited subject to the following:

- 1. Amend the Statement of Significance, as shown in Appendix B, to:**
 - a) rename '77 Dickson Street' to '1/77 Dickson Street' in the Table**
 - b) add a new '2/77 Dickson Street' (newer rear dwelling) in the Table and categorise it as Non-contributory**
 - c) recategorise 81 Monash Street to Non-contributory in the Table so that it can align with the Precinct map and comply with a condition of authorisation**
 - d) recategorise 13 and 15 McKay Street from Contributory to Non-contributory and include their built date as '1960s' subject to notifying the relevant property owners and tenants of the change**
 - e) recategorise 17 Robinson Street from Contributory to Non-contributory subject to notifying the relevant property owners and tenants of the change**
 - f) add a built date column and include known dates**
 - g) delete the '44 Matthews Street' listing in the Table which is duplicated elsewhere.**
- 2. Amend the Precinct map to correctly show 57 Parsons Street as a Significant property.**

Further recommendations

The Panel further recommends that Council:

- 3. Assess 15 Servante Street for its individual heritage significance.**
- 4. Prepare a separate planning scheme amendment which includes 49 Parsons Street, 81 Parsons Street, 81 Monash Street and 15 Servante Street as Contributory properties in the Grand Junction and Matthew's Hill Precinct (HO151).**

1 Introduction

1.1 The Amendment

(i) Amendment description

The exhibited Amendment proposed to:

- implement the recommendations of the *Grand Junction Estate and Matthew's Hill Precinct Heritage Study* (updated 2018) by applying the Heritage Overlay (HO151) to the Grand Junction Estate and Matthew's Hill Precinct, Sunshine (Figure 1)
- implement the recommendations of the *Half House, 108 George Street, St Albans Heritage Assessment Revised Report*, 20 September 2015 (updated 2017) by applying the Heritage Overlay (HO152) to the St Albans Half House, 108 George Street, St Albans.

(ii) The subject land

The Amendment applies to land shown in Figure 1 and 2. The subject land comprises predominantly single detached dwellings

Figure 1 Subject land: Grand Junction Estate and Matthew's Hill Precinct



Figure 2 Subject land: Half House, 108 George Street, St Albans**(iii) The Amendment since exhibition**

Section 23(1)(c) of the Act enables a planning authority which considers a submission requesting a change, to abandon all or part of the Amendment. At its 21 May meeting where it considered submissions to the exhibited Amendment, Council resolved to:

- split the Amendment into Part 1 (Half House at 108 George Street, St Albans and 9, 11, 13, 15 and 17 Whitty Street, Sunshine) and Part 2 (Grand Junction Estate and Matthew's Hill Precinct)
- abandon Part 1
- request the Minister for Planning to appoint a Panel to consider submissions related to Part 2.

The Part 1 abandonment was represented as a 'lapsed' amendment in the Victorian Government Gazette on 29 August 2019 – after the Panel's directions and expert witness statements were circulated and two business days before the Hearing.

The Panel has made no recommendation for the Half House at 108 George Street, St Albans or 9, 11, 13, 15 and 17 Whitty Street, Sunshine because they no longer form part of the Amendment.

1.2 Background**(i) Chronology of events**

2000-2016	
2000	Post-contact Cultural Heritage Study Volume 2 - Heritage Program and Conservation Policy complete – further research recommended for: 1920s housing in Dickson and Monash Streets and the area east of Hampshire Road and the railway line; railway houses in Sunshine; and 'half houses' in St Albans
2017	
February	Council engaged Context Pty Ltd to assess the heritage significance of the area around Dickson and Monash Streets
12 December	Council resolved to request the Minister for Planning to approve Amendment

	C197 under section 20(4) of the Act to apply an interim Heritage Overlay to the Precinct and the Half House
2018	
February	Council resolved to seek authorisation to prepare and exhibit Amendment C200 to: <ul style="list-style-type: none"> - apply the Heritage Overlay permanently to the land in the Precinct - apply the Heritage Overlay to 'Half House' at 108 St Georges Street, St Albans - apply the tree controls in the Heritage Overlay Schedule to the Canary Island Palms in the Victoria and Robinson Street reserves - rezone parts of the Precinct to General Residential Zone Schedule 1 and Neighbourhood Residential Zone Schedule 1
14 March	Department of Environment, Land, Water and Planning advised Council that the application to authorise the Amendment needed further review
27 March	Council notified affected land owners and occupiers of its request to the Minister for an interim Heritage Overlay
4 April	Council wrote to the Minister for Planning: <ul style="list-style-type: none"> - withdrawing its request to approve Amendment C197 (Interim Heritage Overlay) - advising that it would resubmit its request on 12 April 2018 <p>Council notified affected land owners and occupiers of its withdrawal of its request to the Minister to approve an interim Heritage Overlay</p>
12 April	Council requested the Minister for Planning to authorise Amendment C202 (Interim Heritage Overlay over the land in the Precinct and Half House)
August	Department of Environment, Land, Water and Planning requested that Council have the Precinct independently peer reviewed
29 October	Heritage Alliance independently reviewed the Precinct
30 October	The Minister for Planning, through a delegated response from the Department of Environment, Land, Water and Planning, authorised the Amendment subject to: <ul style="list-style-type: none"> - removing the proposed rezoning - modifying the precinct boundary to exclude 4-6 Servante Street and 21 Whitty Street, Sunshine - changing property categories for identified properties
2019	
January	Council notified affected property owners and occupiers
7 February	Exhibition commenced
28 March	Exhibition ended
21 May	Council resolved to split the Amendment, abandon Part 1, and request the Minister for Planning to appoint a Panel to consider submissions related to Part 2
30 May	Council notified affected owners and occupiers of its resolution

18 June	Council accepted late submission 26
21 June	The Panel was appointed
8 July	Council accepted late submission 27
26 August	Expert evidence reports received
29 August	A notice stating that Brimbank Planning Scheme Amendment C200 Part 1 had lapsed appeared in the <i>Victorian Government Gazette</i>
3 September	Hearing closed
20 September	The Heritage Overlay was applied to the subject land on an interim basis
2020	
27 March	Interim Heritage Overlay expires

(ii) Authorisation

The Department of Environment, Land, Water and Planning (DELWP), under delegation from the Minister for Planning, authorised the Amendment on 30 October 2018, subject to the following conditions before exhibiting the Amendment:

- remove the proposed rezoning because it had insufficient strategic justification
- update the Grand Junction Estate and Environments Precinct Report to:
 - clearly articulate the boundaries, periods of construction and precinct features
 - exclude the subdivision at 4-6 Servante Street and 21 Whitty Street, Sunshine
 - recategorise 3 Drayton Street; 4 Hill Street; 14 McKay Street; 81 Monash Street; 49 Parsons Street; 13 Robinson Street, 8, 14 and 15 Servante Street; 8 Tyler Street and 7 Victoria Street, Sunshine to non-contributory.

Chapter 3.1(iii) of this report explains reasons for the latter conditions of authorisation.

1.3 Procedural matters

Mr Hals requested to be heard at the Hearing. He contacted Planning Panels Victoria on 29 August 2019 to advise that he no longer objected to the Amendment because his interests had changed. Accordingly, he did not require time to present at the Hearing.

1.4 The Panel's approach

(i) Consideration

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.

(ii) References in this report

The Amendment was authorised as Brimbank Planning Scheme Amendment C200. It was statutorily recognised in the Victorian Government Gazette at the beginning of the exhibition stage with the same name. Planning Scheme Amendments Online refers to the Amendment as C200brim. The Panel has referred to the Amendment with its statutorily recognised name of 'Brimbank C200' in this report.

The report has not identified a submitter's name with their home address, where possible.

(iii) Report structure

The report deals with the issues under the following headings:

- Planning context
- Strategic matters
- General issues
- Grand Junction and Matthew's Hill Precinct (HO151).

2 Planning context

2.1 Planning policy framework

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

Victorian planning objectives

The Amendment will implement section 4(1)(d) of the *Planning and Environment Act 1987* (the Act) 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
- balance the present and future interests of all Victorians.

Planning Policy Framework

The Amendment supports:

- **Clause 15.01-5S** (Neighbourhood character) which seeks to recognise, support and protect neighbourhood character, cultural identity, and sense of place.
- **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 21.04-5** (Built environment and heritage) which seeks to identify and protect all individual places, objects and precincts of cultural, aboriginal, urban and landscape significance. Two relevant strategies are:
 - Conserve and enhance individual heritage places and precincts, and aboriginal and cultural features.
 - Require development to respect and enhance heritage buildings and precincts.
- **Clause 22.03** (Heritage) which seeks to, among other things, *“preserve ‘significant’ heritage places, protecting all significant heritage fabric including elements that cannot be seen from the public realm”*.

Clause 21 (the Municipal Strategic Statement)

The Amendment supports Clause 21.06-1 (Heritage) which includes the following objectives and strategies:

- Objective 1: To conserve and enhance historic buildings, features and precincts that contribute to the community's understanding of the development within the municipality.
- Strategy 1.1: Identify and protect heritage places and objects of natural, aboriginal and cultural significance.
- Objective 2: To ensure alterations and additions to heritage buildings and places do not negatively impact on the heritage quality of the building or place.
- Strategy 2.3: Ensure that heritage applications are considered in accordance with the Brimbank Heritage Policy at Clause 22.01.

Clause 22.01 (Brimbank heritage)

Clause 22.01 seeks to conserve and enhance a range of buildings, features and precincts that strengthen community appreciation of heritage buildings and places based on a clear understanding of the reasons for their significance. It also seeks to ensure that development such as alterations and additions to existing buildings, maintains the significance of the heritage place and integrates with surrounding heritage buildings and streetscape.

It applies the following definitions:

“Contributory” heritage places are individually important places of state, regional or local heritage significance or are places that contribute to the significance of a Heritage Overlay area. “Contributory” places may include buildings that are of a built style that contributes to the significance of a precinct, even though they may have been constructed in a later period.

“Non-contributory” heritage places are buildings or places within a Heritage Overlay area where the original building has been demolished, replaced, or modified beyond recognition, or where the constructed building is stylistically inconsistent with the period of the precinct. Any new development on these sites may impact on the heritage significance of the area. Therefore, development of non-contributory places should take into account the heritage characteristics of any adjoining heritage place as well as the heritage values of the streetscape.

2.2 Relevant planning policies and study

(i) Plan Melbourne 2017-2050

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.

(ii) Brimbank Post-Contact Cultural Heritage Study

The Brimbank Post-Contact Cultural Heritage Study 2000 and the updated Brimbank Post-Contact Heritage Study, Version 2, 2013 set out Brimbank's and Sunshine's history.

2.3 Heritage Overlay

The Heritage Overlay purposes are:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- 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 Heritage Overlay requires a planning permit to demolish, subdivide, build and conduct works. The Heritage Overlay enables its Schedule to specify additional controls for specified 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.

Since Amendment VC148 was introduced on 31 July 2018, the Heritage Overlay has required a statement of significance for each place to be specified in its Schedule. The Ministerial Direction on the Form and Content of Planning Schemes pursuant to section 7(5) of The Act (Ministerial Direction 7(5)) requires a specified statement of significance to be incorporated into the Planning Scheme by listing it in the Clause 72.04 Schedule.

2.4 Ministerial Directions and Practice Notes

Ministerial Directions

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

- Ministerial Direction 9 (Metropolitan Planning Strategy)
- Ministerial Direction 11 (Strategic Assessment of Amendments)
- Ministerial Direction 7(5).

That discussion is not repeated here.

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

Planning Practice Note 1 provides guidance about using the Heritage Overlay. It states that the Heritage Overlay 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.

Planning Practice Note 1 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).

3 Strategic matters

3.1 Heritage Study methodology

(i) The issue

The issue is whether the Precinct Heritage Study methodology is appropriate.

(ii) Background

Context Pty Ltd prepared the *Grand Junction Estate and Matthew's Hill Precinct Heritage Study* (Precinct Heritage Study) and the *Half House, 108 George Street, St Albans Heritage Assessment Revised Report*. The Precinct Heritage Study explains part of the methodology for assessing the subject properties. Council called heritage evidence from Ms Schmeder of Context Pty Ltd. In her evidence, Ms Schmeder provided further details of the study's two stage approach.

Stage 1 – Scoping

In November 2016, Context Pty Ltd and Council's Principal Strategic Planner inspected the Precinct by car and confirmed the area had interwar residential development. Ms Schmeder later inspected all the streets in the area by foot and recorded each property's estimated construction decade and degree of intactness.

The preliminary boundary for the Precinct included the streets to the north and west of the railway lines, bound roughly by Dickson Street, Matthews Street, Withers Street/Station Place/Drayton Street, and Pizzey Street/Cornwall Road. Ms Schmeder explained that preliminary boundary:

- included the most cohesive areas and was very similar to the Precinct proposed through the Amendment
- excluded:
 - an area of early post-war development at the southern end of Drayton Street (west side)
 - the adjacent group of contemporary dwellings at its junction with Hill Street.

Stage 2 – Precinct assessment

Stage 2 of the heritage study involved further research to better understand the Precinct and its significance, including:

- primary source material such as real estate maps, subdivision plans, historic aerial photos, newspapers, Melbourne and Metropolitan Board of Works plans, street directories, and land titles
- secondary sources such as local histories.

Context refined the Precinct boundary and prepared the Precinct Citation.

Mr Raworth endorsed the following assessment in the Precinct Heritage Study:

The intactness of houses and their setting in the Grand Junction Estate and Matthew's Hill Precinct compares well to those in other precincts in Brimbank of a similar era. The 1920s, 30s and 40s housing stock within the precinct is generally comparable to those from a similar period within all the above-mentioned precincts.

The diversity and wide range of housing of the Grand Junction Estate and Environs Precinct is directly comparable to the Railway Station Estate. Likewise, it was one of the few areas in Sunshine where the residents did not buy the land or houses directly from H.V. McKay. However, the Grand Junction Estate and Environs represents a slightly later and narrower developmental phase, with the precinct almost exclusively being developed post 1907 and the establishment of H.V. McKay Harvester Works. Furthermore, the precinct includes some, for Brimbank, unusual examples of interwar architectural styles.

Mr Raworth stated that the Precinct has retained a somewhat diverse residential character which was largely established by about 1960.

(iii) Independent peer review

Council engaged Heritage Alliance to independently peer review the Precinct at the request of DELWP. Heritage Alliance prepared the *Review of proposed Grand Junction Estate and Environs Precinct* report dated 29 October 2018 (Peer Review) which found that the proposed Precinct's boundary, integrity and proportion of contributory to non-contributory places comply with Planning Practice Note 1. The Peer Review recommended to:

- revise the Statement of Significance to clarify the Precinct boundaries and features
- modify the Precinct to exclude 4-6 Servante Street and 21 Whitty Street consistent with the Minister for Planning's conditions of authorisation
- recategorise the following properties to non-contributory due to alterations and additions:
 - 3 Drayton Street
 - 4 Hill Street
 - 14 McKay Street
 - 81 Monash Street
 - 49 Parsons Street
 - 13 Robinson Street
 - 8, 14 and 15 Servante Street
 - 8 Tyler Street
 - 7 Victoria Street
- change Clause 22.01 and the Heritage Design Guidelines to manage change in the Precinct.

DELWP accepted the Peer Review recommendations over those in the Precinct Heritage Study. This was evident in its conditions of authorisation. One condition prohibited Council from exhibiting the Amendment until 3 Drayton Street; 4 Hill Street; 14 McKay Street; 81 Monash Street; 49 Parsons Street; 13 Robinson Street, 8, 14 and 15 Servante Street; 8 Tyler Street and 7 Victoria Street, Sunshine were recategorised to Non-contributory.

For reasons outlined later in this report, the Panel considers that some of the Peer Review's recommendations were inconsistent with the Precinct Heritage Study's methodology and Clause 22.01 of the Planning Scheme, and illogical.

(iv) Submissions

The 13 Hill Street owner submitted that the Heritage Overlay should not be applied on a Precinct-wide basis because there was no justification to include properties which have been

altered and extended. He considered that there were inconsistencies in how the Heritage Overlay was administered, including its timing and previous errors associated with another property unrelated to the Amendment. The owner considered that the Precinct Heritage Study was conducted outside public view.

(v) Discussion

The Panel considers that the Precinct Heritage Study has benefited from a comprehensive two-staged approach. The Study's approach aligns with advice in Planning Practice Note 1. The Panel is not aware of the circumstance which led to the unusual requirement for the Peer Review or why its recommendations were translated into conditions of authorisation.

For reasons set out in the following chapters, the Panel does not agree with some of the recommendations of the Peer Review.

(vi) Findings

The Panel finds:

- The Precinct Heritage Study has applied an appropriate methodology.
- DELWP's acceptance of the recommendations in the Peer Review has resulted in the Amendment being exhibited with serious errors that need attention, as outlined in this report.

3.2 Policy support

(i) The issue

The issue is whether existing State and local planning policy support the Amendment.

(ii) Background

The Amendment proposes to apply the Heritage Overlay to properties in the Residential Growth Zone Schedule 1, General Residential Zone Schedule 1 and Neighbourhood Residential Zone Schedule 1. When Council resolved to seek authorisation from the Minister for Planning, the Amendment proposed to:

- rezone Residential Growth Zone Schedule 1 properties within and outside the proposed Precinct to General Residential Zone Schedule 1
- rezone Residential Growth Zone Schedule 1 and General Residential Zone Schedule 1 properties within and outside the proposed Precinct to Neighbourhood Residential Zone Schedule 1.

Under delegation, DELWP stated in the letter of authorisation:¹

The proposed rezoning of the land must be removed from the amendment. DELWP officers consider that there is insufficient justification to support this component of the amendment.

¹ Amendment C200 letter of authorisation, DELWP, 30 October 2019

The Amendment was exhibited without any proposal to rezone land.

(iii) Submissions

Council submitted that the Amendment supports State and local planning policy. It explained that the Heritage Overlay would protect the heritage significance identified in the Grand Junction Estate and Matthew's Hill Precinct.

Several submitters considered that the Heritage Overlay should not be applied to land where planning policy encourages additional housing growth. Mr Mooney of Planning and Property Partners, representing Mr and Mrs Craddock, submitted that the Amendment has:

- not given adequate regard to the strategic role of the Sunshine Metropolitan Activity Centre and its surrounds
- placed undue emphasis on preserving heritage fabric in an area of Sunshine identified for growth and development through housing framework studies and rezonings.

Mr Mooney referred to Plan Melbourne 2017-2050 which identifies Sunshine as one of seven National Employment and Innovation Clusters and one of nine existing metropolitan activity centres. He explained that Plan Melbourne identifies further opportunities for significant tertiary education, health care, and retail and professional services. He added:

This area will benefit from the Metro Tunnel and Melbourne Airport Rail which will include upgrades of the Sunshine Rail Station and increased capacity between Sunshine and Melbourne's Central Business District.

A few other submitters did not support the Heritage Overlay being applied to their property because it would restrict capacity in an area where more intense development would be needed in response to the proposal for the future rail through Sunshine Station to Melbourne Airport.

Mr Mooney referred to Outcome 2 in Plan Melbourne and its associated directions and policies which seek more housing closer to jobs and public transport. In response to questions from the Panel, Mr Mooney advised that he was not aware of the Sunshine Activity Centre's capacity for future development or whether it was sufficient to meet future development and housing needs.

(iv) Discussion

The Victoria Planning Provisions and the Planning Scheme include State, metropolitan and local policies and planning provisions, many of which have competing objectives. This inherent part of the Victoria Planning Provisions' architecture requires a considered assessment and a balanced approach.

The Amendment proposes to recognise and manage the heritage value of identified properties while recognising existing zones, provisions and policies. In line with Clause 72.02-3, Council will consider matters of heritage and additional housing growth through an integrated decision making process during any future planning permit application.

Submitters which referred to Plan Melbourne 2017-2050 directions and policies for housing supply and growth did not refer to Outcome 4 and its associated direction and policies which recognise that heritage will exist in a metropolis of growth. Specifically, the policies seek to:

- recognise the value of heritage when managing growth and change
- protect Melbourne’s heritage through telling its stories.

The Heritage Overlay does not prohibit future development. Rather, it manages future development to appropriately respond to the Precinct’s heritage significance. The degree of further development depends on many variables including zone, location and property attributes.

Irrespective, there is no evidence that applying the Heritage Overlay will result in competing policy objectives. The Panel was not presented with information to support claims that the Amendment would affect the ability to achieve policies related to the National Employment and Innovation Clusters, Sunshine Activity Centre or housing growth. Specifically, there was no analysis to demonstrate why the Sunshine Activity Centre, which is predominantly single storey with expansive at-grade car parks across a significant geographic area, cannot meet future demand. The same applies for the even broader National Employment and Innovation Cluster.

Council should review, through a separate strategic process, the suitability of the existing planning scheme zone, particularly the Residential Growth Zone, after the Heritage Overlay has been applied. This review aligns with the DELWP authorisation letter which states that:

A review of the current application of the Residential Growth Zone should occur as part of a separate strategic process, having regard to managing growth and change within proximity to the Sunshine Metropolitan Activity Centre and Sunshine National Employment and Innovation Cluster whilst protecting areas of identified heritage value.

The Panel makes no finding, conclusion or recommendation to rezone any land because whether a property achieves the threshold for local heritage significance to justify the Heritage Overlay does not relate to its Planning Scheme zone.

(v) Finding

The Panel finds that State and local planning policy support the Amendment.

3.3 Conclusions

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 Planning Policy Framework
- is consistent with the relevant Ministerial Directions and Practice Notes
- is well founded and strategically justified:
 - based on the Precinct Heritage Study and its methodology
 - except for the peer review process which has resulted in serious errors that need attention
- should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

4 General issues

4.1 Development opportunity

(i) The issue

The issue is whether development opportunity is relevant when assessing the heritage significance of a place or the Precinct.

(ii) Evidence and submissions

Several submissions considered that the Heritage Overlay would further restrict development opportunity and make it more onerous to alter or maintain their properties. Some submitters explained that the building no longer met their needs and needed to be replaced with a new building with modern standards. They considered the cost of maintaining the building would outweigh the cost of replacing it with a new building.

Council submitted that the added control introduced through the Heritage Overlay is needed so that it can appropriately manage future development to protect the Precinct's heritage value. It said that Panel reports have consistently found that future redevelopment opportunity of heritage properties is not relevant when considering a planning scheme amendment to apply the Heritage Overlay. It may be relevant during the planning permit application process. Council referred to Latrobe PSA C14 [2010] PPV, where the panel stated:

Panels have repeatedly ruled that such issues are not material to this stage of the planning process – a position supported by Practice Notes and numerous VCAT decisions. This view maintains that although it is appropriate for the responsible authority to consider all the objectives of the Planning and Environment Act 1987 including, inter alia, fair, orderly, economic and sustainable use, and development of the land (s.4(1)(a))... and ... to balance the present and future interests of all Victorians (s.4(1)(g)) – the question of personal economic impact or potential constraint on development are matters for the next stage of the planning process i.e. at the time a permit is applied for.

Council highlighted that the Heritage Overlay does not preclude properties from being redeveloped. Rather, it requires development proposals to be assessed against the Heritage Overlay and relevant policies. Council referred to its heritage policy at Clause 22.01 which:

- supports a non-contributory building being demolished if the replacement building supports the Precinct's significance
- allows partial demolition, addition or alteration of a significant or contributory building if it does not negatively impact the Precinct's significance.

(iii) Discussion

The Heritage Overlay allows an owner to apply for a planning permit to alter or remove a building. This enables Council to assess whether a development proposal will appropriately respond to the property's heritage significance.

Irrespective, development opportunity is not relevant when assessing whether a property has sufficient heritage significance. It is not possible to measure any potential impact on

development opportunity at this stage of the process because this is a matter for the planning permit application process. For example, the Heritage Overlay is unlikely to impact development opportunities for an owner with no development aspirations.

For those considering future development, the extent of further development will vary depending on each property's individual characteristics including how a building is designed, configured or positioned on the lot, and the aspirations of each property owner. These are matters for the permit application when design details are known.

(iv) Conclusion

The Panel concludes that development opportunity is not relevant when assessing the heritage significance of a place or the Precinct.

4.2 Building condition and structural integrity

(i) The issue

The issue is whether building condition and structural integrity are relevant when considering when assessing the heritage significance of a place or the Precinct.

(ii) Evidence and submissions

Many submissions requested that the Heritage Overlay not be applied, or that the property be recategorised, because they considered the building was in poor condition or had insufficient structural integrity. For example, the 82 Monash Street owner submitted that the building had plumbing issues and a crumbling concrete verandah which needed restumping.

Council submitted that building condition and structural integrity are generally not relevant considerations during the planning scheme amendment stage. They may be relevant if structural integrity was so poor that the only viable option was to demolish the building. This would have to be supported with evidence.

Council referred to Melbourne PSA C207 [2014] PPV and Yarra PSA C183 [2016] PPV, where the panels supported this view. The Yarra C183 Panel stated:

Before the proposed Heritage Overlay, the condition of the place is already established. The Panel accepts the long-standing principle that condition should not impact upon the heritage significance of a place, unless it impacts upon its integrity or how the significance of the place is understood. ... The Heritage Overlay is a decision making tool to manage the processes of conservation, alteration or even demolition (including recording the fabric should demolition be permitted) balanced with an understanding of heritage value.

In the matter of general maintenance, it is the case that all houses require maintenance. New buildings will become older buildings and need upkeep accordingly ...

Council submitted that no submitter or party presented evidence to support claims that a building was structurally unsound or had major faults. Structural integrity and building condition are matters for a planning and building application. It added that internal

alterations are also not relevant because the Amendment does not propose to apply internal heritage controls through the Heritage Overlay Schedule.

(iii) Discussion

The assessments and recommendations in the Precinct Heritage Study were based on the consultant's observations including existing building conditions. Like Council, the Panel was not presented with evidence that any particular building was in such poor condition that it had to be demolished. In that scenario, it would be highly unlikely that there would be sufficient heritage fabric to justify a contributory category.

(iv) Conclusion

The Panel concludes that building condition and structural integrity are generally not relevant when assessing the heritage significance of a place or the Precinct, unless the condition of the building impacted on its heritage integrity or intactness (for example, where the condition of the building was so degraded as to have resulted in the loss of heritage elements).

4.3 Property value and financial implications

(i) The issue

The issue is whether property value and financial implications are relevant when assessing the heritage significance of a place or the Precinct.

(ii) Evidence and submissions

Several submissions were concerned about the potential impact the Heritage Overlay may have on property value and future financial costs associated with any future building alteration. For example, the petition organised by Mr Kirevski signed by 22 individuals suggests that the Heritage Overlay would almost halve the value of 233 properties. Another submitter who was intending to demolish their existing building considered that the overlay would increase financial hardship.

Council submitted that private financial impact is not an economic matter considered when assessing a planning scheme amendment to the Planning Scheme. It added that financial impact may be relevant if it translated into a public economic effect. It noted that submissions expressed a site-by-site basis and not at a broader community level.

Council explained that its approach to economic effects is consistent with established practice and the views of various planning panels and judicial authority. It referred to examples of supporting extracts from:

- Boroondara PSA C266 [2018] PPV
- Melbourne PSA C207 [2014] PPV
- Moreland PSA C129 [2013] PPV
- Frankston PSA C53 [2010] PPV
- Southern Grampians C6 [2009] PPV
- *Dustday Investments Pty Ltd v Minister for Planning* [2015] VSC 101.

In summary, the various panels and the Supreme Court considered that planning is a two stage process – planning scheme amendment and permit application. The key issue at the amendment stage is the heritage significance of the property. Private economic issues are not relevant during this stage, but they may be considered during the planning permit application process.

Discussion

The Panel agrees with Council’s submission on these matters. Planning is a two stage process – strategic (planning scheme amendment) and statutory (planning permit application).

Clause 71.02-3 of the Planning Scheme seeks to *“integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations”*. The Panel considers that applying the Heritage Overlay to properties with proven heritage significance for the benefit of present and future generations outweighs any potential financial impact on private individuals.

There should be no financial impact on property owners with no development aspirations. The potential financial impact for those seeking to develop land can only be measured during the planning permit application stage, when design and development details are known.

The Panel was not presented with information which supported a direct correlation between applying the Heritage Overlay and property value. This is not surprising because property value is established through a complicated formula of interrelated supply and demand factors. It is generally difficult to clearly single out one factor as the catalyst for property value change. For instance, it is not clear whether demand would:

- decrease because the overlay would discourage existing prospective developers seeking to replace existing dwellings with higher density development
- increase because it would attract residents who appreciate the overlay.

Individual property value is not relevant when assessing whether each property should be included in the Precinct as a significant, contributory or non-contributory property. Not applying the Heritage Overlay for property value reasons would conflict with State and local planning policies which seek to protect properties which have been comprehensively assessed to meet the threshold for local heritage significance.

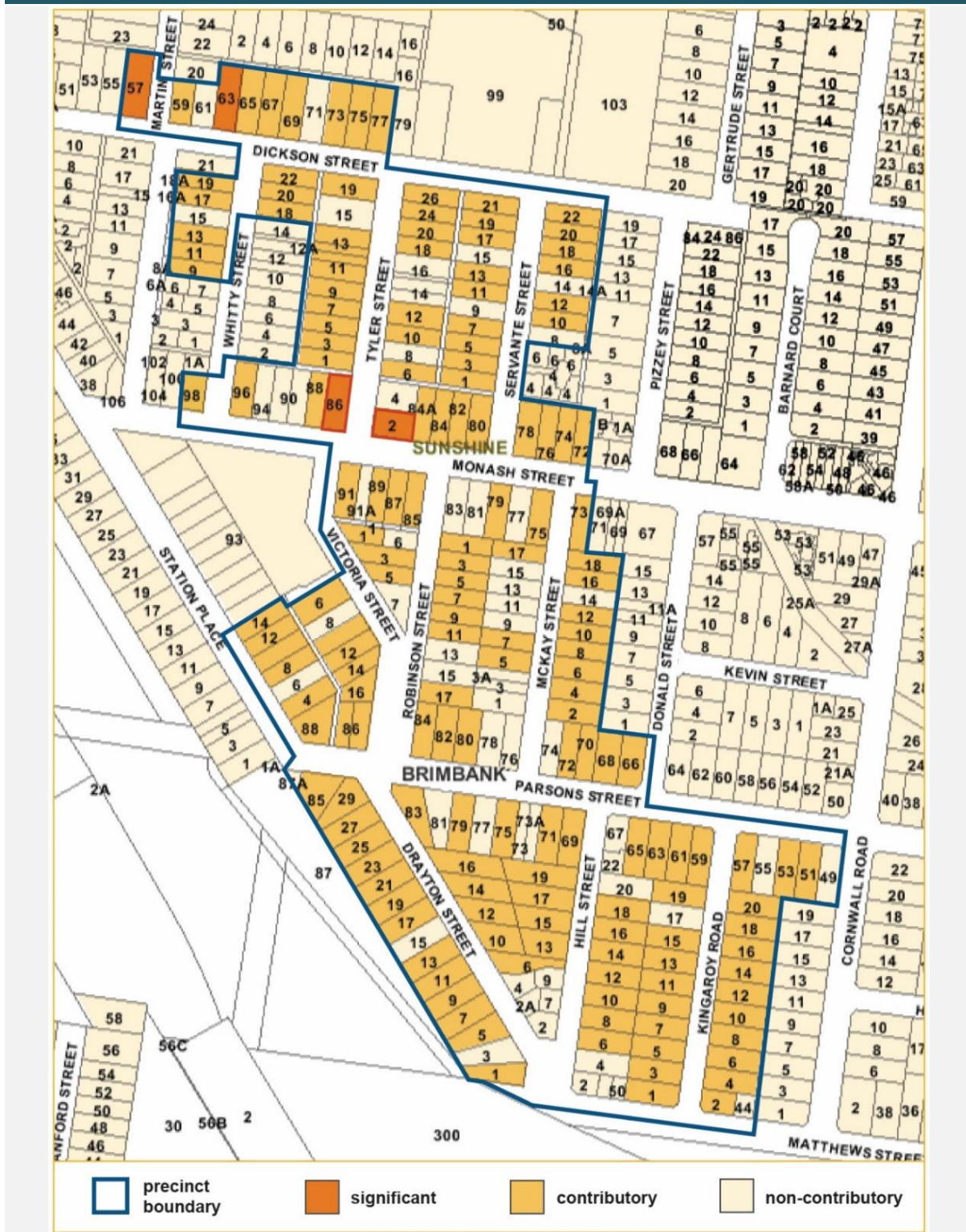
(iii) Conclusion

The Panel concludes that property value and financial implications are not relevant when:

- assessing the heritage significance of a place or the Precinct
- deciding whether to apply a Heritage Overlay.

5 Grand Junction and Matthew's Hill Precinct (HO151)

The Place – Exhibited Statement of Significance



What is significant?

The Grand Junction Estate and Matthew's Hill Precinct, Sunshine, is significant. The precinct consists of an irregular area stretching north-south between Dickson Street and Matthews Street (and the Matthew's Hill Reserve), and bounded by Kingaroy Road, McKay Street and Servante Street at the east, and the railway line, part of Station Place, Victoria Street and Whitty Street at the west.

The area was subdivided in parts, starting with the Grand Junction Estate in 1886, followed by the southern half streets between 1911 and 1925. This residential precinct was developed during the first half of the twentieth century, and showcases a wide range of architectural styles, with the majority from the interwar period. The precinct includes 57-77 Dickson Street, 9-19 and 18-22 Whitty Street, 1-19 & 9-26 Tyler Street, 1-21 & 8-22 Servante Street, 72-98 & 73-91 Monash Street, 1-7 & 6-19 Victoria Street, 4-14 Station Place, 1-17 & 6 Robinson Street, 1-17 & 2-18 McKay Street, 66-88 & 49-87A Parsons Street, 1-29 & 2-16 Drayton Street, 7-19 & 2-20 Hill Street, 44 & 50 Matthews Street, and 1-19 & 2-30 Kingaroy Road.

Elements which contribute to the Significance of the precinct include:

- The early dwellings within the precinct from the Victorian and Edwardian periods, including 63 Dickson Street; 80 and 85 Parsons Street; 4 Station Place; 2 and 19 Tyler Street; and 19 Whitty Street.
- The 1920s Arts and Crafts and California Bungalows with their consistent use of materials and built form, including 57, 59, 65, 67, 69 and 73 Dickson Street; 27 Drayton Street; 6, 8, 10, 12, 14, 18 Hill Street; 2, 6, 12, 14 and 18 Kingaroy Road; 2, 4, 5, 6, 7, 8, 10, 12, 16 and 18 McKay Street; 73, 74, 78, 79, 80, 81, 82, 84, 85, 87, 88, 91, 96 and 98 Monash Street; 70, 72, 75, 79, and 82 Parsons Street; 1, 3, 5, 7, 9, 11 and 17 Robinson Street; 1, 3, 10, 11, 12, 13 Servante Street; 8, 10, 12 and 14 Station Place; 1, 3, 5, 6, 9, 10 and 24 Tyler Street; 1, 3, 5, 6, 10, 12, 14 and 16 Victoria Street; and 13, 18, 20 and 22 Whitty Street.
- The 1930s and 1940s Bungalows with their consistent built form and wide range of architectural motifs, including 77 Dickson Street; 6, 14, 16, 17, 19, 23, 25 and 29 Drayton Street; 15 and 19 Hill Street; 8, 10, 11, 13, 15, 16 and 20 Kingaroy Road; 17 McKay Street; 75, 76, 84A, 86 and 89 Monash Street; 34, 51, 53, 57, 66, 68, 69, 71, 81, 83 and 84 Parsons Street; 17, 20, 21 and 22 Servante Street; 12 and 26 Tyler Street; and 9 and 11 Whitty Street.
- A selection of dwellings from the post-war era which are traditional in form, scale and siting, and generally modest in their design, and as such make useful contribution to the character of the area, including 75 Dickson Street; 1, 5, 7, 9, 10, 11, 12, 13 and 21 Drayton Street; 13 and 16 Hill Street; 1, 3, 4, 5, 7, 9 and 19 Kingaroy Road; 13 and 15 McKay Street; 72 Monash Street; 59, 86 and 88 Parsons Street; 5, 7, 16, 18 and 19 Servante Street; 7, 11, 13, 18 and 20 Tyler Street; and 17 Whitty Street.
- The predominantly single storey scale of the precinct
- The detached form of the dwellings with consistent front setbacks
- Street layout and subdivision patterns. This includes the presence of rear laneways in the Grand Junction Estate, the contrast of wide east-west former government roads (Monash, Parsons and Matthews streets) and narrow, privately subdivided north-south streets (Whitty, Tyler, Servante, Robinson, McKay, Hill and Kingaroy Streets), as well as the diagonal streets following the railway line (Station Place, Victoria Street and Drayton Street). Also the two tree plantations at the junction of the diagonal streets with the rectilinear grid of the rest of the precinct (at Victoria Street and Robinson Street, and at Drayton Street and Hill Street).
- The tree plantation between Victoria and Robinson streets with mature Canary Island Palms, and the tree plantation between Drayton and Hill streets with Norfolk Island Oaks and an Atlas Cedar plantings.

The houses at 57 and 63 Dickson Street, 86 Monash Street, 57 Parsons Street, and 2 Tyler Street are individually Significant.

How is it significant?

The precinct is of local historic, architectural and aesthetic significance to the City of Brimbank.

Why is it significant?

Historically, the Grand Junction Estate part of the precinct is of significance as a subdivision first developed in the speculative land boom of the 1880s just after the establishment of the Braybrook Railway Junction in 1886. The opening of the railway station, the industrialisation of the area, and the subdivisions that followed created the new township of Braybrook Junction. It was one of only two major nineteenth-century subdivisions in what is now Sunshine, the other being Railway Station Estate (HO25), and it preserves a residential layout typical of that time with rear laneways necessary before sewers were installed. The name, location and the diagonal streets of the Grand Junction Estate all express the importance of the nearby railway line and station on the creation of the estate. The area on the south side of Monash Street, known as Matthew's Hill since at least the 1920s, has a typical interwar subdivision layout without rear laneways, but a continued rectilinear street grid intersecting with diagonal streets along the railway line.

The handful of Victorian and Edwardian houses in the precinct are significant as tangible illustrations of the early establishment of the precinct to the north of Parsons Street. The predominant housing styles in the precinct are from the interwar era and immediately following World War II and illustrate the remarkable population growth which followed the establishment of H.V. McKay's Sunshine Harvester Works at Braybrook Junction in 1907, and the continued industrial prosperity of the area after the war. **(Criterion A)**

Architecturally, the precinct is of significance for its diversity and wide range of housing from the 1900s-1950s, including Arts and Crafts and California Bungalows, 1930s-40s Bungalows with a wide range of stylistic influences including Tudor Revival, Colonial Revival, Art Deco and Streamlined Moderne. Furthermore, the many representative 1920s and 1930s bungalows create consistent interwar streetscapes across the precinct, with freestanding, single storey brick or timber houses and consistent garden setbacks. **(Criterion D)**

Aesthetically, the precinct is of significance for its visual unity achieved despite the long period of development, due to the majority of the post-war houses being of sympathetic and traditional design related to the architectural forms seen before the war. Furthermore, the precinct is distinguished by a handful of designs that are unusual or highly intact within the City of Brimbank, such as the Victorian Survival dwelling at 2 Tyler Street, the substantial Colonial Revival villa at 57 Parsons Street, the Streamlined Moderne dwelling at 86 Monash Street, the highly intact California Bungalow at 57 Dickson Street, and the architect-designed Arts & Craft Bungalow at 63 Dickson Street, all of which are Significant within the precinct. The tree plantations at the intersection of the two street grids contribute to the aesthetics of these streetscapes, and demonstrate beautification works carried out by the Braybrook Shire Council during the interwar period. **(Criterion E)**

5.1 Precinct assessment

(i) The issues

The issues are:

- whether the Precinct meets the threshold of local heritage significance to justify the Heritage Overlay
- whether the Precinct boundary is appropriate
- whether the following properties proposed to be categorised Contributory represent the reasons why the Precinct is identified as significant:
 - 57, 65, 67, 75, 1/77 and 2/77 Dickson Street
 - 13 Hill Street
 - 2 McKay Street
 - 76, 81, 82, 88 and 96 Monash Street
 - 70 Parsons Street
 - 12 Station Place
 - 20 and 24 Tyler Street.

(ii) Evidence and submissions

The Precinct Heritage Study states that the Precinct meets the following criteria:

- Criterion A – Importance to the course or pattern of our cultural or natural history (historical significance).
- 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).

Several submissions opposed the Heritage Overlay being applied to the Precinct, having regard to the type and era of building stock, intactness of streetscapes, and lack of association with notable architects or builders. Others supported the Precinct-wide Heritage Overlay but opposed their property being categorised as Contributory.

As noted earlier in this report, Whitty Street properties were excluded from the Precinct and no longer form part of the Amendment.

Dr Connell submitted that it was unclear if the focus of the Amendment was on the 1880s subdivision and the infrastructure to support that subdivision including layout of roads and sewerage, etc, or on the housing stock, which is unrelated to the 1880s. The intended objectives of the Amendment are unclear.

Ms Ansell submitted that most houses were erected decades after the original 1887 subdivision, there are no associations with distinguished builders or architects, and there are few houses with notable features compared to others in Melbourne.

At the Hearing, Mr Nickas representing the 67 Dickson Street owners submitted that the Precinct did not achieve Criterion A. They considered the Precinct to be an afterthought because there are other areas already included in the Heritage Overlay for similar reasons. Population growth and industrial prosperity in a particular era is not enough to justify

Criterion A. They added Dickson Street did not meet Criterion D because it is not a classic street and has boundary wall abuttals with inconsistent dwellings and siting.

Ms Schmeder explained that broader comparative analysis across metropolitan Melbourne was not necessary because the Council is investigating whether the Precinct is of local significance to Brimbank. It is not investigating State significance. The Precinct Heritage Study compared the Grand Junction and Matthews Hill Precinct to other precincts in Brimbank, to determine the threshold for local significance, and she found that the Precinct compared well.

In his evidence, Mr Raworth considered the threshold for local significance is likely to be different in Brimbank, compared with other places such as Boroondara or Port Phillip where many of the buildings date earlier, or where there are larger numbers of building stock. He advised while the proposed Precinct may be judged to not stand up particularly well against precincts found in other places, it can nonetheless be seen to have an appreciable and strong heritage character relative to much of the residential stock of Sunshine or Brimbank.

The 2 McKay Street owner supported Parsons and Matthews Streets being included because the buildings have similar appearance. However, he did not support all of the McKay Street properties being included because they have a mix of old and new houses in different styles.

Ms Schmeder advised that 2 McKay Street sits among a row of houses 2-18 McKay (although 14 McKay has an intrusive upper storey and is therefore Non-contributory). She acknowledged McKay Street has had more redevelopment than other streets in the Precinct, especially on the western side, although 7 McKay Street is Contributory.

Ms Chen queried why the boundaries are located where they are and did not include additional land from the Mathews Hill subdivision, including extending to Duke Street to the east and Monash Street to the north.

Ms Schmeder advised that it is not often that the Heritage Overlay is applied to the entire original subdivision and that it is more common to apply it to the most intact parts. She referred to the HV McKay residential subdivision (HO24) as an example where part of the subdivision is included due to its intact collection of contributory houses.

Mr Raworth advised that the Citation sets out the gradual evolution of the Precinct over time rather than its earliest manifestation as an original subdivision. He considered it is not just the earliest elements within the Precinct that are important. He considered the Precinct to be intact and noted that there is a greater proportion of non-contributory buildings beyond its boundary.

Council submitted there has been commentary by previous panels about proportion of contributory buildings in a precinct and while there are all sorts of things that can be done to artificially prop up the percentage including manipulating the boundary and excluding non-contributory properties from the precinct, Council argued that has not happened here. Council acknowledged that a number of buildings have been determined non-contributory within the Precinct however many of those buildings still contribute to the Precinct's significance in terms of materials and building style. Council argued that it is not said anywhere that precincts need to reach a threshold of a percentage of Contributory buildings,

however in this case the raw numbers of 75 per cent contributory buildings plus sympathetic non-contributory buildings comfortably demonstrates the Precinct's intactness.

(iii) Discussion

The Panel considers it is not necessary to compare the Precinct or Brimbank's heritage buildings with other parts of Melbourne. The *Planning and Environment Act 1987* establishes an expectation that planning authorities (generally Councils) will protect and conserve places of local heritage significance. The Victoria Planning Provisions provides a mechanism through the Heritage Overlay to identify these places in the Planning Scheme. The Amendment seeks to apply the Heritage Overlay to a precinct of local heritage significance. Planning Practice Note 1 advises that, in order to meet the threshold of local significance, the heritage place (in this case, the Precinct) must satisfy at least one of the criteria (see Chapter 2.4 of this report) and compare well compared with other examples within a local context.

The Statement of Significance, and background history, refer to the initial subdivision in the nineteenth century and consequential development of this area of Sunshine in the context of industrial growth and the impact of the two World Wars.

In terms of comparative analysis, it is one of only two nineteenth century subdivisions in Brimbank, the other being the HV McKay housing estate (HO23 and HO24) representing 1900s to 1930s housing (HO23) and 1900s to 1920s housing (HO24). Railway Station Estate, Sunshine (HO25) is a mix of housing styles with a small core of late nineteenth century detached row houses from the 1890s and Edwardian era, with some 1930s to 1950s houses at the edge. The Panel has inspected these estates and finds that the Grand Junction Estate and Matthew's Hill Precinct compares well against these other areas that are included within the Heritage Overlay.

Regarding Criterion A (historical significance), the Panel agrees that the Precinct is of historic significance, due to its early subdivision following the establishment of the railway. The Precinct illustrates the growth of Sunshine in response to the establishment of industrial development at the beginning of the twentieth century, and that occurred in Sunshine during the Interwar period. It is illustrative of development patterns before, between and post-world wars. Criterion A is well represented in the physical fabric of the Precinct.

Regarding Criterion D, the Panel finds that the Precinct demonstrates architectural representativeness, as illustrated by the reasonably intact collection of dwellings between 1900s and 1950s - it is the diversity of styles and periods in this Precinct that demonstrates its sporadic development, interrupted by two World Wars. A significant proportion of contributory buildings have a high degree of integrity. While a smaller number of buildings have lost some of their original features and are less intact, their form and massing and general legibility of their period of construction contribute to the significance of the Precinct as a whole. The collection of these elements of significance combine to create a legible Precinct.

Regarding Criterion E, the Panel finds that the Precinct has aesthetic significance, illustrated by visual unity in building form, consistent interwar streetscapes, and traditional designs,

carrying through from before World War 1 through to post World War 2, augmented by excellent examples of individually significant houses in the Precinct.

The Panel accepts that the list of elements in the Statement of Significance are an accurate description of those elements that contribute to the significance of the Precinct.

Regarding the boundary and extent of the Precinct, the Panel observes that there are small clusters of non-contributory buildings in the Precinct, most notably on the western side of McKay Street (between 1 to 15 McKay) although this is in the heart of the Precinct, and removing this small section would not make sense.

(iv) Conclusions

The Panel concludes:

- The Grand Junction Estate and Matthew's Hill Precinct, Sunshine is of local heritage significance.
- There is strategic justification to apply the Heritage Overlay, subject to further consideration in the following chapters.

5.2 Contributory threshold

(i) The issue

The issue is how to determine whether an element or place in the Precinct is Contributory.

(ii) Evidence and submissions

The issue of 'where to draw the line' between Contributory and Non-contributory properties was raised in submissions and throughout the Hearing. It was also a point of contention between the Precinct Heritage Study, the Peer Review, and DELWP through its authorisation conditions.

Many submitters objected to their property being categorised Contributory because they considered that their building had been altered to the extent where it no longer contributed to the Precinct.

Council referred to Clause 22.01 (Heritage) which defines Contributory and Non-contributory in precincts as follows:

Contributory heritage places are individually important places of state, regional or local significance or are places that contribute to the significance of a Heritage Overlay area. Contributory places may include buildings that are of a built style that contributes to the significance of a precinct, even though they may have been constructed in a later period.

Non-contributory heritage places are buildings or places within a Heritage Overlay area where the original building has been demolished, replaced or modified beyond recognition, or where the constructed building is stylistically inconsistent with the period of the precinct. Any new development on these sites may impact on the heritage significance of the area. Therefore, development of non-contributory places should take into account the heritage characteristics of any adjoining heritage place as well as the heritage values of the streetscape.

The 'Integrity' section of the Precinct's Heritage Citation identifies common alterations including:

- enlarged windows, where original timber framed windows have been replaced by metal framed windows
- replaced or added verandahs and porches
- replaced 1920s piers with 1950s steel posts
- reclad or overclad from timber to brick
- overpainted or stripped
- intrusive upper storey additions.

A property is categorised Contributory to the Precinct if:

- additions and alterations are minor
- the original architectural style of the house can still be understood
- it still contributes to the early twentieth-century streetscape.

A building is considered Non-contributory if the additions, particularly the upper storey additions, obliterate the roof form and alter the main form.

Ms Schmeder considered that generally, houses built from 1900 to the 1950s were categorised Contributory if they were intact enough to represent this period or were not overwhelmed by an upper level addition. She applied other tests when considering the appropriate category of an altered building of the 'valued period' of the Precinct (as defined in the precinct statement of significance) – for example, whether the building can still be visually identified as an Edwardian villa, or an interwar-type bungalow.

Another factor is whether the original form is legible. In cases where an upper-storey extension is dominant, particularly where it alters the original roof form, the building may be considered Non-contributory. On the other hand, a building with an upper-storey extension may be considered Contributory where the original massing exists, and most details survive.

Mr Raworth stated that, for the purpose of assessing heritage significance, integrity is defined as the degree to which the heritage values of the place are still evident and can be understood.

The Peer Review prepared by Heritage Alliance cited that one of the thresholds for including properties in the Precinct is an assessment of the level of integrity of individual properties. Generally, a property with high integrity would be categorised as Contributory. A property of low integrity or built after 1960, would be categorised as Non-contributory.

Council acknowledged that external alterations may impact a property's contribution. It submitted that a property was categorised Non-contributory if the building:

- had been significantly altered or subject to substantial additions
- can no longer be read as being of the relevant era.

Council submitted that a property was categorised Contributory if the building had minor or sympathetic alterations and additions to the heritage significance.

Planning Practice Note 1 does not differentiate the threshold of significance as either State Significance or Local Significance and determines these through comparative analysis. There is no methodology or guidance to categorise Contributory or Non-contributory properties.

(iii) Discussion

Planning Practice Note 1 does not define the Contributory category, or guide how to assess whether a building is Contributory. However, heritage planning practice over years has established a process where a significant place (which can be an individual building, structure or collection of buildings and structures to form a precinct) is identified and elements that contribute to the significance of the place are documented or listed in the Statement of Significance. The 'Heritage Place' or the 'Place of Local Significance' is the sum of many contributory elements.

With an individually significant building or property, contributory elements may be parts of the building and/or property, for example the style and form of the building, the roof, architectural detailing, the window fenestration, garden layout, outbuildings.

Contributory elements to a precinct include its road layout, the street trees, street furniture and buildings. Sometimes, there are individually significant places found in a precinct (these are significant irrespective of the precinct, and can also contribute to a precinct, although they do not have to). There may also be elements that do not contribute to a precinct.

In this case, the Grand Junction Estate and Matthew's Hill Precinct is the proposed 'Heritage Place' or place of local significance. The Precinct demonstrates the development of one of the earliest areas of subdivision in Sunshine and the residential development associated with growth of key industry in Sunshine, from before World War 1 to after World War 2 (1900 to 1960). The buildings and structures combine to form the Precinct. These are described in the Statement of Significance as '*Elements which contribute to the significance of the precinct.*'

In considering submissions that question if a particular place is Contributory, the Panel has considered the evidence and material before it and has identified an approach based on four inputs – the Statement of Significance for the precinct, planning policy, defining the extent of alterations to the building, and the building's integrity.

Statement of Significance

The Statement of Significance is a central consideration. It states that elements which contribute to the significance of the Precinct are:

- early dwellings from the Victorian and Edwardian periods
- 1920s Arts and Crafts and California Bungalows with their consistent use of materials and built form
- 1930s and 1940s Bungalows with their consistent built form and wide range of architectural motifs
- a selection of dwellings from the post-war era which are traditional in form, scale and siting, and generally modest in their design, and as such make useful contribution to the character of the area
- the predominantly single storey scale
- the detached form of the dwellings with consistent front setbacks
- street layout and patterns (described in detail)
- street tree plantations (described in detail).

Planning policy

Clause 22.01 of the Planning Scheme and its definitions of Contributory and Non-contributory has helped to inform the following questions:

- Does the building contribute to the significance of the Precinct (why the precinct is important)?
- Is the building of a built style that contributes to the significance of a precinct?
- Has the original building been demolished or replaced?
- Has the original building been modified beyond recognition?
- Is the building stylistically consistent with the period of the precinct?

Extent of alterations

The third consideration in determining whether a building is Contributory or Non-contributory is the extent of alteration, as identified in Clause 22.01 – the test is where the original building has been 'modified beyond recognition'.

The Heritage Citation sets out the test for assessing the extent of modification as:

- altering the main form of the building beyond recognition

- obliterating the roof form.

Integrity

Integrity is the degree to which the heritage values of the place are still evident and can be understood. Does it still 'read' and can it be understood as a building from that period?

The Panel has considered whether the extent of alterations has negatively impacted on a property's integrity. The Panel does not expect a building to be in its original state and acknowledges there will often be a degree of alteration. There are alterations which can be reversed, based on the principles of the Burra Charter.

(iv) Conclusion

The Panel concludes that the following are relevant for considering whether a property contributes to the Precinct:

- the list of elements which contribute to the significance of the Precinct
- the description of Contributory and Non-Contributory in Clause 22.01
- the extent of modification
- the building's integrity.

5.3 57 Dickson Street



(i) The issue

The issue is whether 57 Dickson Street has sufficient integrity to be categorised Significant in the Grand Junction and Matthew's Hill Precinct.

(ii) Evidence and submissions

The 57 Dickson Street owners did not oppose the Significant category of their property, but submitted that there is no consistency in the streetscape. At the Hearing, Mr Mooney, appearing for the owners, confirmed that they were not questioning the significance of the individual place or the Precinct, but rather the strategic rigour of the Amendment in relation to the role of Sunshine as a future hub for redevelopment, as identified in numerous local and regional strategic documents.

Ms Schmeder stated that 57 Dickson Street is on the end of a row of contributory buildings and is of individual significance in its own right. She considered 57 Dickson Street to be one of the very few individually significant Inter War houses in Brimbank, with interesting

architectural features that plays an important role for the Precinct. She acknowledged the modern buildings west and north of the property.

Mr Raworth considered that the property “bookends” the Precinct as a fine end point.

(iii) Discussion

The Citation identifies 1920s and 1930s Bungalows as elements that contribute to the Precinct’s significance, in terms of development period and building style. 57 Dickson Street is a highly intact example of a Bungalow which sits in a row of 10 contributory and significant buildings along the northern side of Dickson Street.

The Panel notes Ms Schmeder’s evidence through her comparative analysis that there are few intact Californian Bungalows in Brimbank and in this context finds that the property is both an individually significant place and also contributes to the Precinct.

(iv) Conclusion

The Panel concludes that 57 Dickson Street has sufficient integrity to be categorised Significant in the Grand Junction and Matthew’s Hill Precinct.

5.4 65 Dickson Street



(i) The issue

The issue is whether it is appropriate and justified to categorise 65 Dickson Street as a Contributory property in the Grand Junction and Matthew's Hill Precinct.

(ii) Evidence and submissions

The 65 Dickson Street owner opposed their property being included in the Precinct because they considered that its features do not meet the Contributory category, it has no historical presence and many changes have been made to the building's exterior and interior over the last 30 years.

Ms Schmeder acknowledged that the windows have been changed and the original wall and gables have been clad with vinyl or aluminium. She considered that its massing has been retained with the roof form, gable, wide projecting gable roof and roughcast tapered chimneys indicating its early interwar origins. She said that the original features could be reinstated.

Mr Raworth stated that the changes are close to the acceptable limit and are typical for the area. He found cladding and modern windows to be sympathetic and reversible.

(iii) Discussion

The Panel considers that 65 Dickson Street retains its built form which is consistent with the style of the period, including its double fronted form, intact hipped roof and chimneys. It can still be read an inter-war building in its altered state and meets the threshold set out in Clause 22.01 to be considered a Contributory property. It does not need to achieve the same extent of intactness expected for an individually significant building.

(iv) Conclusion

The Panel concludes that it is appropriate and justified to categorise 65 Dickson Street as a Contributory property in the Grand Junction and Matthew's Hill Precinct.

5.5 67 Dickson Street



(i) The issues

The issues are:

- whether it is appropriate and justified to categorise 67 Dickson Street as a Contributory property in the Grand Junction and Matthew's Hill Precinct
- whether the Statement of Significance accurately describes front setbacks as an element which contributes to the significance of the Precinct.

(ii) Evidence and submissions

Cozy Homes Developments Pty Ltd objected to the property being categorised Contributory because it considered the property does not have historic, representativeness or aesthetic significance. Mr Nickas of Nickas Legal appeared for the 67 Dickson Street owner at the Hearing.

Mr Nickas upheld Cozy Homes' primary position to oppose the Heritage Overlay being applied to the property. He explained that Cozy Homes purchased the Residential Growth Zone property to develop the site. One option may be to relocate the original house to provide for additional land to the rear for development.

Mr Nickas submitted that the description in the Statement of Significance "*Detached form of the dwellings with consistent front setbacks*" is not accurate. He invited the Panel to consider alternative wording of this element to allow for the opportunity for relocation of the house with a reduced setback. He considered "*generally consistent front setbacks*" to be more accurate.

Ms Schmeder stated that 67 Dickson Street should be categorised Contributory because it is a very fine Arts and Crafts Bungalow which meets Criteria A, D and E. This is a significant style that contributes to the Precinct. She maintained that Dickson Street is an excellent street in the Precinct. She acknowledged that, like other precincts in Brimbank, there are non-contributory properties in the street.

Ms Schmeder conceded that Dickson Street's deeper properties enabled some irregular setbacks. While the Statement of Significance referred to consistent setbacks, the Precinct is significant for its period of development in addition to its garden setbacks. She considered that the single storey, interwar, mainly timber buildings visually unite the Precinct.

Mr Raworth agreed with Ms Schmeder that 67 Dickson Street is Contributory.

In response to questions, both experts:

- had different approaches to the hypothetical building relocation
- agreed that this issue should be considered during the planning permit application process.

Mr Raworth considered that potential building relocation could be justified based on the heritage gains for the property. However, this should be assessed through a comprehensive development proposal which demonstrates the benefits to heritage.

Council submitted that the Statement of Significance relates to what, how and why a place is significant, and is not the place for design solutions. Council considered it unnecessary to revise the Statement of Significance because “*consistent front setbacks*” is intended to refer to houses which consistently exhibit front setbacks with a front garden character.

(iii) Discussion

The Panel considers that 67 Dickson Street has been correctly categorised as a Contributory property because it is a very good example which contributes to the Precinct’s heritage significance.

Much of Mr Nickas’ submission pre-empted a future permit application to relocate the existing building.

The Statement of Significance includes setbacks as an element which contributes to the significance of the Precinct, specifically “*the detached form of the dwellings with consistent front setbacks.*” Most Contributory properties in Dickson Street and elsewhere in the Precinct have generally consistent setbacks which provide a garden setting. The larger setback at 67 Dickson Street may be considered anomalous compared to these properties, but it is consistent with its abutting neighbour at 69 Dickson Street (also a Contributory property).

The Panel has not responded to matters related to a future development proposal such as relocating an existing building because they are not relevant when assessing heritage significance of a place. They may be relevant for a future planning permit application.

The Panel agrees with Council that the role of the Statement of Significance is to clearly articulate what, how and why the Precinct is significant. Although useful and important, design guidance sits outside the Statement of Significance and is better expressed with other design guidance in Clause 22.01. This clause provides guidance on demolition but not on relocating buildings. There would be benefit in including guidance on building relocation in this clause or in Council’s pending heritage guidelines for the Precinct.

On the description of the contributory element, the Panel agrees with Council that it is about front gardens, but it is also about uniformity, which is a theme in the Statement of Significance and is an element of significance. In this context, Panel considers that the element ‘*Detached form of the dwellings with consistent front setbacks*’ is an appropriate description.

(iv) Conclusions

The Panel concludes:

- It is appropriate and justified to categorise 67 Dickson Street as a Contributory property in the Grand Junction and Matthew's Hill Precinct.
- The Statement of Significance accurately describes front setbacks as an element which contributes to the significance of the Precinct.
- Council should consider including design guidance on building relocation in Clause 22.01 or future heritage guidelines for the Precinct.

5.6 75 Dickson Street



(i) The issue

The issue is whether it is appropriate and justified to include 75 Dickson Street as a Contributory property in the Grand Junction and Matthew's Hill Precinct.

(ii) Evidence and submissions

The 75 Dickson Street owner opposed the Heritage Overlay being applied to the property and to its Contributory category. The property has a clinker brick bungalow with hipped roofs and a low matching front fence. The owner submitted that the building was constructed after the 1960s which was outside the period of heritage value of the Precinct. He considered it appropriate to exclude the property from the Precinct because it is located at the edge where there will be little impact.

Ms Schmeder confirmed that:

- the house does not appear in aerial photographs dated 1945 but appears in the 1956 aerial
- the Sands and McDougall register first listed the house in 1950 and therefore it was most likely constructed between 1946 and 1949.

She added that the building has retained its clinker brick cladding, hipped roof and fence although she was unable to confirm if the original windows were intact due to the presence of the contemporary shutters. She considered the building falls within the valued period of significance and is clearly legible as a later inter war, early post war bungalow. Mr Raworth considered the building to be "*firmly contributory*".

(iii) Discussion

The 1956 aerial shows that the building was constructed before 1960s so it falls within the period of significance. The Panel finds that 75 Dickson Street is one of a series of intact examples of post-war buildings along Dickson Street which contribute to the Precinct. This supports the rationale to locate the Precinct boundary along the northern fence line of these properties.

(iv) Conclusion

The Panel concludes that it is appropriate and justified to include 75 Dickson Street as a Contributory property in the Grand Junction and Matthew's Hill Precinct.

5.7 77 Dickson Street



(i) The issue

The issue is whether it is appropriate and justified to include 77 Dickson Street as a Contributory property in the Grand Junction and Matthew's Hill Precinct.

(ii) Evidence and submissions

The 77 Dickson Street owner submitted that, due to extensive alterations, the property does not meet Criterion E and should be categorised to Non-contributory. At the Hearing, the owner presented a comprehensive submission, including before and after photographs which identified 15 changes to the property. He considered the extent of change to be greater than what was described by Ms Schmeder.

Changes include an additional concrete driveway, brick fence, metal sheeting side fences, ducted heating unit in front of property, PVC wall cladding, enlarged windows, aluminium window frames (replaced lead-lined glass, timber window, timber shutters), the gated entrance and masonry carport has been removed and replaced with metal sheeting and garden beds have been removed. A new dwelling has also been constructed to the rear. The owner submitted that the changes have resulted in a completely different look and feel compared with the original state of the property.

The owner added that, based on Ms Schmeder's evidence and Council's Part A Submission, the property meets the definition of Non-contributory. He said Mr Raworth considered the house is close to the limit of acceptable based on two changes identified by Ms Schmeder. The extensive 15 changes would therefore tip the building over to a Non-contributory category.

The owner compared the extent of changes made to 49 Parsons Street, which was re categorised to Non-contributory, with 77 Dickson Street. He submitted that they meet the tests in the Peer Review for non-contributory and fail all the requirements for appropriate alterations to contributory places in Clause 22.01. If a property is in breach of several requirements, its significance is lost.

The owner submitted that it was highly improbable that the PVC cladding would be removed to restore the original timber because of the associated cost. He said that 77 Dickson could be excluded because it is at the Precinct's boundary where there would be no impact of the rest of the Precinct.

Council submitted that it was unfortunate that the alterations outlined in the Hearing submission were not put to the experts.

Ms Schmeder acknowledged that the original windows had been replaced with aluminium windows and the timber weatherboards had been covered with vinyl cladding. She stated that the Moderne-style front porch, the chimney and roof form were original. She considered the building to be “*Contributory in part*”, with a similar level of alteration of others that that been altered then restored.

Ms Schmeder considered the Moderne style masonry porch added architectural prestige and compared well with 86 Monash Street. It elevated a simple timber house to a higher level of architectural pretension. Mr Raworth considered that the windows have the same ‘visual weight’ and that changes have generally not been ‘like for like’. He added that the building is close to the limit of acceptable change although the distinctive porch tips the building into the Contributory category.

Ms Schmeder, Mr Raworth and Council considered 2/77 Dickson Street (the newer dwelling to the rear) to be Non-contributory. At the Hearing, Council proposed to categorise this portion of the property from Contributory to Non-contributory.

(iii) Discussion

The Panel acknowledges that there have been numerous building alterations to the original house at 77 Dickson Street, including the removal of many original elements. The property has been somewhat ‘stripped back’ through substantial changes, particularly the removal of key elements such as the windows. The changes have not been ‘like for like’.

That said, the Panel considers that the building has retained its overall form. Should this have been a standard weatherboard house, the Panel would have agreed with the owner that this is not enough. However, the portico is a very distinctive element which elevates the building to a higher architectural status. The Panel agrees with Mr Raworth that this tips it into a Contributory category.

The Panel considers the building’s elements contribute to the significance of the Precinct, which consists of a number of 1930s and 1940s Bungalows with their consistent built form and wide range of architectural motifs. It finds that 1/77 Dickson Street retains the built form that is consistent with the style of the period, including its double fronted form, intact hipped roof and chimneys, and while it has lost several features it retains a distinctive architectural motif in the Moderne portico.

Consistent with how Clause 22.01 defines a Contributory property:

- the building’s architectural style contributes to the significance of the Precinct
- the original building has not been demolished or replaced
- it is stylistically consistent with the period of the Precinct.

Even with its original elements either altered or removed, the building has sufficient integrity to be read and understood as an inter-war building because the most distinctive element, the portico, remains. Regarding the ‘Extent of modification’ test set out in the Citation, the main form of the building has not been changed beyond recognition and the

roof form has not been obliterated. The missing decorative elements, replaced windows and PVC cladding are all reversible.

The dwelling to the rear (2/77 Dickson Street) is a modern single storey dwelling and does not contribute to the Precinct. Although the dwelling is not on its own separate title, the Panel considers that the Statement of Significance should record that this element on the property is not contributory.

(iv) Conclusions and recommendations

The Panel concludes:

- It is appropriate and justified to include the original building, referred to as 1/77 Dickson Street, with a Contributory category in the Grand Junction and Matthew's Hill Precinct.
- The newer rear dwelling, referred to as 2/77 Dickson Street, does not contribute to the Precinct and should be recategorised to Non-contributory.

The Panel recommends:

Amend the Statement of Significance, as shown in Appendix B, to:

- a) rename '77 Dickson Street' to '1/77 Dickson Street' in the Table**
- b) add a new '2/77 Dickson Street' (newer rear dwelling) in the Table and categorise it as Non-contributory.**

5.8 13 Hill Street



(i) The issue

The issue is whether it is appropriate and justified to include 13 Hill Street as a Contributory property in the Grand Junction and Matthew's Hill Precinct.

(ii) Evidence and submissions

The 13 Hill Street owners objected to their property being categorised Contributory. They submitted the building has no historic appeal and its façade has no heritage appearance because it is covered in vinyl cladding.

Ms Schmeder stated that the house was constructed before 1942. She acknowledged that the external walls had been covered with vinyl cladding and referred to other examples in Brimbank such as 15 Sydney Street and 22 Sydney Street, Albion and 19 Fraser Street, Sunshine where the cladding was removed revealing original boards. She considered that weatherboards are easy to replace if the original boards have been removed.

Ms Schmeder considered the house retains its multi-gabled massing, L shaped plan, tiled roof, external brick chimney, curved cantilevered porch hood, and windows. It has a cottage style massing with Moderne touches which is common in the later inter war period. She considered that the house can still be understood to be within the inter war period.

Mr Raworth considered that the building is substantially intact, even if it is reclad. The cladding emulates the appearance of weatherboard, and has limited impact. The integrity of the building is still good.

At the Hearing, the owners provided a Pre-Purchase Standard Property Inspection Report (Inspection Report), prepared by Rapid Building Inspections dated 21 August 2019. They submitted that the Inspection Report found the building to be structurally unsound and needed work.

Council submitted that, while the building condition report appeared like a professional report, it is not evidence and has not been tested. It considered that the report was not conclusive and did not demonstrate that the house is structurally unsound to be point where it cannot be repaired.

Council explained that the Inspection Report states that it must be read in accordance with the terms and conditions. The terms and conditions state the assessment is "*based on a*

visual examination of surface work” and defines structural damage as “a significant impediment to the integrity of the whole or part of the structure falling into one or more of the following categories...”. Council referred to the report’s summary of findings which states that the building was poorly maintained but evidence of structural damage was not observed.

(iii) Discussion

The Panel considers the building contributes to the Precinct through its architectural style and period of construction. It retains its massing and built form, is largely intact and has a high degree of integrity. In this context, the building has been correctly categorised as a Contributory property.

Chapter 4.2 explains that the issue of building condition and future development should be considered during the planning permit application process unless the building is so structurally unsound, the heritage fabric has not been, or will not be able to be, retained. The Panel was not persuaded that the building at 13 Hill Street is structurally unsound to the point where it cannot be repaired.

(iv) Conclusion

The Panel concludes that it is appropriate and justified to include 13 Hill Street as a Contributory property in the Grand Junction and Matthew’s Hill Precinct.

5.9 2 McKay Street



(i) The issue

The issue is whether it is appropriate and justified to include 2 McKay Street as a Contributory property in the Grand Junction and Matthew's Hill Precinct.

(ii) Evidence and submissions

The 2 McKay Street owners opposed the Heritage Overlay being applied to the property. They considered that McKay Street's integrity had been compromised and should be excluded from the Precinct.

Ms Schmeder stated the building is from 1920s era and contributes to the Precinct. She acknowledged that the windows have been enlarged but considered that the building has retained its Bungalow style.

Mr Raworth considered 2 McKay Street to be an inter-war building – the Precinct's representative era. He stated that despite its alterations, it is largely intact with a strong inter-war character.

(iii) Discussion

The Panel considers that the building clearly contributes to the Precinct and is sufficiently intact with a high degree of integrity. Although the western side of McKay Street is not intact and has many Non-contributory properties, it is located well within the Precinct. The eastern side, which includes 2 McKay Street, is very intact.

(iv) Conclusion

The Panel concludes that it is appropriate and justified to include 2 McKay Street as a Contributory property in the Grand Junction and Matthew's Hill Precinct.

5.10 76 Monash Street



(i) The issue

The issue is whether it is appropriate and justified to include 76 Monash Street as a Contributory property in the Grand Junction and Matthew's Hill Precinct.

(ii) Evidence and submissions

The 76 Monash Street owners opposed the Heritage Overlay being applied to the property. The considered that:

- the altered building is not a 'true' heritage building
- the property does contribute to the heritage value of the Precinct.

They accepted that some surrounding properties have heritage character or significance.

Ms Schmeder considered that the building is highly intact, retains its original porch, original box frame windows, weatherboards and is an excellent case to include as a Contributory property in the Precinct.

Mr Raworth agree with Ms Schmeder's evidence and considered the building to be a representative and good example of inter-war design.

(iii) Discussion

The Panel considers the building clearly contributes to the Precinct through its architectural style and period of construction. It retains its massing and built form, is largely intact and has a high degree of integrity. In this context, it has been correctly categorised as a Contributory property.

(iv) Conclusion

The Panel concludes that it is appropriate and justified to include 75 Monash Street as a Contributory property in the Grand Junction and Matthew's Hill Precinct.

5.11 82 Monash Street



(i) The issue

The issue is whether it is appropriate and justified to include 82 Monash Street as a Contributory property in the Grand Junction and Matthew's Hill Precinct.

(ii) Evidence and submissions

The 82 Monash Street owner opposed the Heritage Overlay being applied to the property. He considered his property was included to support a Precinct comprising only a few significant properties. He considered that many houses in the area have been neglected and significantly altered.

Ms Schmeder stated that Californian Bungalows like 82 Monash Street contribute to the significance of the Precinct. She considered the building to be intact apart from the replaced windows and stands in a row of contributory houses from the inter-war era.

Mr Raworth supported the Contributory category. He considered that many elements such as the fascia detailing and balustrade to the porch are key indicators of its style and period and contribute to the character and appearance of the Precinct. He acknowledged that some building elements need to be repaired.

(iii) Discussion

The Panel considers that 82 Monash Street can be clearly recognised as an inter-war building. Its architectural style and development era contribute towards the Precinct's heritage significance.

(iv) Conclusion

The Panel concludes that it is appropriate and justified to include 82 Monash Street as a Contributory property in the Grand Junction and Matthew's Hill Precinct.

5.12 88 Monash Street



(i) The issues

The issue is whether it is appropriate and justified to include 88 Monash Street as a Contributory property in the Grand Junction and Matthew's Hill Precinct.

(ii) Evidence and submissions

The 88 Monash Street owners opposed the Heritage Overlay for reasons which relate to issues in Chapter 4 of this report. Ms Schmeder considered that:

- 88 Monash Street is a highly intact and representative example of its type
- makes a clear contribution to the Precinct.

Mr Raworth and Council agreed with Ms Schmeder.

(iii) Discussion and conclusion

The Panel considers that 88 Monash Street is highly intact and can be clearly recognised as an inter-war building. Its architectural style and development era contribute towards the Precinct's heritage significance.

The Panel concludes that it is appropriate and justified to include 88 Monash Street as a Contributory property in the Grand Junction and Matthew's Hill Precinct.

5.13 96 Monash Street



(i) The issue

The issue is whether it is appropriate and justified to include 96 Monash Street as a Contributory property in the Grand Junction and Matthew's Hill Precinct.

(ii) Evidence and submissions

The 96 Monash Street owners opposed the Heritage Overlay for reasons which relate to issues in Chapter 4 of this report.

Ms Schmeder considered 96 Monash Street to be one of many California Bungalows that contribute to the Precinct and should be included. Mr Raworth agreed with Ms Schmeder and considered the building to be broadly comparable with many other interwar buildings in the Precinct.

(iii) Discussion and conclusion

The Panel considers that 96 Monash Street clearly contributes to the Precinct, and is an intact example of an inter-war Bungalow. Although that end of Monash Street has three Non-contributory properties (90, 92, 94), 96 Monash Street is opposite another Contributory property (98 Monash).

The Panel concludes that it is appropriate and justified to include 96 Monash Street as a Contributory property in the Grand Junction and Matthew's Hill Precinct.

5.14 70 Parsons Street



(i) The issue

The issue is whether it is appropriate and justified to include 70 Parsons Street as a Contributory property in the Grand Junction and Matthew's Hill Precinct.

(ii) Evidence and submissions

The 70 Parsons Street owner opposed the Heritage Overlay for reasons outlined in the Chapter 4 of this report. Ms Schmeder considered that 70 Parsons Street contributes to the Precinct. Mr Raworth and Council agreed with Ms Schmeder.

(iii) Discussion and conclusion

The Panel considers that 70 Parsons Street is highly intact and can be clearly recognised as an inter-war building. Its architectural style and development era contribute towards the Precinct's heritage significance.

The Panel concludes that it is appropriate and justified to include 70 Parsons Street as a Contributory property in the Grand Junction and Matthew's Hill Precinct.

5.15 12 Station Place



(i) The issue

The issue is whether it is appropriate and justified to include 12 Station Street as a Contributory property in the Grand Junction and Matthew's Hill Precinct.

(ii) Evidence and submissions

The 12 Station Street owner opposed the Heritage Overlay being applied to the property for reasons which relate to issues in Chapter 4 and 5.1 of this report.

Ms Schmeder stated that the building does not have to have a distinguished architect or builder to contribute to the heritage significance of the Precinct. She considered that 12 Station Street contributes to the Precinct and should be included. Mr Raworth accepted that the buildings in the Precinct are not grand, but are very good examples of development in this era, including 12 Station Place. He considered that 10 and 12 Station are a matching pair and it is appropriate they be categorised Contributory.

(iii) Discussion and conclusion

The Panel considers that 12 Station Street can be clearly recognised as an inter-war building. Its architectural style and development era contribute towards the Precinct's heritage significance.

The Panel concludes that it is appropriate and justified to include 12 Station Street as a Contributory property in the Grand Junction and Matthew's Hill Precinct.

5.16 20 and 24 Tyler Street



(i) The issue

The issue is whether it is appropriate and justified to include 20 and 24 Tyler Street as Contributory properties in the Grand Junction and Matthew's Hill Precinct.

(ii) Evidence and submissions

The owner of 20 and 24 Tyler Street opposed the properties being categorised as Contributory. The owner explained that many weatherboards are in poor condition, 24 Tyler Street has replaced the original roof with a tinted roof.

Ms Schmeder and Mr Raworth each considered that the buildings retain their original form and detailing, and had a good to high degree of integrity. 20 Tyler Street is a largely intact post-war house with additional window shutters and 24 Tyler Street is readily understood as an interwar Bungalow, despite the new roof cladding.

(iii) Discussion and conclusion

The Panel considers that both properties are of the era and contribute to the Precinct. They both retain the majority of their features, and in the case of 24 Tyler Street, despite the changes to the materials (vinyl cladding and tinted tile sheets) it still presents as an interwar dwelling and its form and massing contribute to the precinct.

The Panel concludes that it is appropriate and justified to include 20 and 24 Tyler Street as Contributory properties in the Grand Junction and Matthew's Hill Precinct.

5.17 Other properties

The Precinct Heritage Study categorised 3 Drayton Street, 4 Hill Street, 14 McKay Street, 81 Monash Street, 49 Parsons Street, 13 Robinson Street, 8, 14 and 15 Servante Street, 8 Tyler Street and 7 Victoria Street as Contributory properties. The Peer Review recommended that these properties be recategorised to Non-contributory properties. This was reflected in the Amendment's condition of authorisation.

Ms Schmeder explained that Council asked her to recategorise the identified properties to Non-contributory to meet the conditions of authorisation, and that this was not based on her recommendation.

5.17.1 49 Parsons Street



(i) Submissions

At the Hearing, the 77 Dickson St owner brought 49 Parsons Street to the attention of the Panel. He questioned the logic of categorising his property Contributory when 49 Parsons Street, which he considered had less significant changes, was recategorised to Non-contributory. Neither expert specifically comment on this property.

(ii) Discussion and finding

The Panel considers that despite alterations to some of the architectural features, the building at 49 Parsons Street retains its inter-war style, form and massing. It has undergone a similar level of change to other properties in the Precinct which are proposed to be categorised Contributory. It meets the Contributory threshold set out in the methodology and Clause 22.01 of the Planning Scheme.

The Panel finds:

- It is appropriate and justified to include 49 Parsons Street as a Contributory property in the Grand Junction and Matthew's Hill Precinct.
- For procedural fairness and to align with conditions of authorisation, the property should be categorised Contributory through a separate process and not through the Amendment.

5.17.2 81 Parsons Street

(i) Evidence and submissions

Ms Schmeder stated that 81 Parsons Street was originally categorised Non-contributory in the Precinct Heritage Study. Mr Raworth considered that the property should be categorised Contributory because its building's inter-war character is largely intact, even with its retiled roof, changes to the porch and the recessive carport. Ms Schmeder confirmed that the Non-contributory category of 81 Parsons Street is an error in the Heritage Citation. The property was intended to be categorised Contributory.

(ii) Discussion and finding

The Panel notes that 81 Parsons Street should have been categorised Contributory in the Heritage Citation and that its Non-contributory category is an error. Irrespective, the owner may have seen their property exhibited as Non-contributory without an opportunity to comment on the property being categorised as Contributory.

The Panel finds:

- It is appropriate and justified to include 81 Parsons Street as a Contributory property in the Grand Junction and Matthew's Hill Precinct.
- For procedural fairness and to align with the conditions of authorisation, the property should be categorised Contributory through a separate process and not through the Amendment.

5.17.3 81 Monash Street



(i) Evidence and submissions

Ms Schmeder and Mr Raworth did not agree with the Peer Review's recategorisation of 81 Monash Street to Non-contributory.

Ms Schmeder considered the original Contributory category to be consistent with the Precinct Heritage Study methodology. She explained that the building is largely intact apart from the loss of limited details and is still clearly recognisable as 1920s timber California Bungalow (inter-war dwelling). She added:

It is externally intact apart from the loss of its verandah supports, but retains its original hipped roof form, projecting front gable, verandah roof, cladding (weatherboards and timber shingles), double-hung sash windows, front door surround

and door. There are many early houses in this and other Brimbank HO precincts where porch or verandah supports have been lost (and many have been reinstated in the existing precincts).

Ms Schmeder referred to other examples in the Precinct which had similar levels of alteration, but were categorised Contributory – 69 Dickson Street, 29 Drayton Street, 18 Hill Street, 6 & 7 Kingaroy Road, 4 McKay Street, 85 & 98 Monash Street, and 68 Parsons Street. She stated that the Peer Review confirmed the Contributory category of these properties so it would be logical to categorise 81 Monash Street as Contributory.

(ii) Discussion

The Peer Review recommended recategorising 81 Monash Street from Contributory to Non-contributory, but does not explain why. A condition of authorisation prohibited the property from being correctly categorised as Contributory.

The building is sufficiently intact to contribute to the Precinct. It retains its original form and features, except for the verandah posts which can be reversed. It clearly meets the threshold for a Contributory property set out in Clause 22.01 of the Planning Scheme and in the Precinct Heritage Study. Recategorising this property to Non-contributory defies logic when considering:

- the extent of changes is consistent with many other Contributory properties which the Peer Review did not recommend to recategorise
- the more altered 77 Dickson Street has been categorised Contributory and the Peer Review did not recommend to recategorise.

The Precinct Heritage Study and exhibited Statement of Significance described the property as Contributory. However, the Precinct map in the Study showed it as Non-contributory.

(iii) Finding and recommendation

The Panel finds:

- It is appropriate and justified to include 81 Monash Street as a Contributory property in the Grand Junction and Matthew's Hill Precinct.
- For procedural fairness and to align with conditions of authorisation, the property should be categorised Contributory through a separate process and not through the Amendment.

The Panel recommends:

Amend the Statement of Significance, as shown in Appendix B, to:

- a) recategorise 81 Monash Street to Non-contributory in the Table so that it can align with the Precinct map and comply with a condition of authorisation.**

5.17.4 15 Servante Street



(i) Background

The original Precinct Heritage Study recommended that 15 Servante Street be included as a Contributory property. The Amendment recategorised the property to Non-contributory in response to a condition of authorisation.

(ii) Evidence and submissions

Ms Schmeder stated that 15 Servante Street is a pre-fabricated Beaufort steel house erected in 1947 or 1948. It was manufactured at the same Essendon factory that assembled the Beaufort Bomber airplanes during World War II. She noted that a group of these houses are protected in the City of Moreland (HO425) with the following historical background:

The development of the Beaufort house combined the skills of the Victorian Housing Commission, the Commonwealth Department of Works and Housing (which by then incorporated the War Services Homes Commission) and the technical staff of the Beaufort Division of the Department of Aircraft Production including the architect Arthur Baldwinson who is credited with the design. To promote the scheme a prototype was erected in the Fitzroy Gardens, which was opened to the public on 4 June 1946 and orders were eventually placed by the Victorian State Government and the War Service Homes Commission for 5000 houses each (The Argus, 11 February 1947). At peak production it was anticipated that 3000 homes per year could be produced. However, the project was continually delayed and eventually cancelled as a result of shortages of steel. ... Finally, in December 1947 the State Government decided to cancel the Beaufort Scheme. The reason given was the lack of supply of steel ...

Ms Schmeder explained that there was insufficient time to demonstrate the importance of 15 Servante Street in the Citation. She recommended a future individual assessment but conceded that the property could be recategorised to Non-contributory in the meantime.

However, she agreed that the overall form of the building and its period of construction falls within the period of significance of the Precinct and should be Contributory.

Council submitted that it will consider 15 Servante Street in its future work program. It explained that the conditions of authorisation did not enable the property to be exhibited as Contributory. Council added that the property could not be included in the Amendment for reasons of procedural fairness.

(iii) Discussion and finding

The Panel understands the building's steel pre-fabricated structure is different to other houses in the Precinct, however, it was constructed during the same period of significance. The property contributes to the significance of the Precinct through the following attributes identified in the Statement of Significance:

- selection of dwellings from the post-war era which are traditional in form, scale and siting, and generally modest in their design, and as such make useful contribution to the character of the area
- predominantly single storey scale of the Precinct
- detached form of the dwellings with consistent front setbacks.

Its unique construction may well elevate its significance. However, the Peer Review has sought to recategorise it to Non-contributory. The Panel understands why Ms Schmeder has conceded to an interim Non-contributory category but it does not agree that this is the appropriate and correct categorisation of 15 Servante Street.

The Panel finds:

- It is appropriate and justified to include 15 Servante Street as a Contributory property in the Grand Junction and Matthew's Hill Precinct.
- For reasons of procedural fairness and to align with conditions of authorisation, the property should be recategorised to Contributory through a separate process and not through the Amendment.

5.17.5 13 and 15 McKay Street

Council submitted that, since exhibiting the Amendment, it proposed to recategorise 13 and 15 McKay Street from Contributory to Non-contributory. Council explained that it has since found that the two dwellings were constructed outside the relevant heritage period. Ms Schmeder referred to Council records and historical aerial photos to conclude that the building at 13 McKay Street was built in 1969 and 15 McKay Street in 1968.

The Panel considers that there is supporting evidence to confirm that 13 and 15 McKay Street were constructed outside the Precinct's relevant heritage period.

The proposal to recategorise 13 and 15 McKay Street resulted from Council's further work since exhibiting the Amendment and was not in response to issues raised in a submission. The owners did not prepare a submission and it is not apparent whether the owners are aware of the proposed change. For reasons of courtesy, the owner and tenant should be notified of the proposed post-exhibition change before adopting the Amendment.

The Panel finds:

- It is appropriate and justified to include 13 and 15 McKay Street as Non-contributory properties in the Grand Junction and Matthew's Hill Precinct.
- For reasons of courtesy, Council should notify the affected property owners and tenants of the proposed recategorisation before adopting the Amendment.

5.17.6 17 Robinson Street

The Heritage Citation identifies 17 Robinson Street as one of the earliest surviving houses in the Precinct, built before the 1920s.

Council submitted that, since exhibiting the Amendment, it proposed to recategorise 17 Robinson Street from Contributory to Non-contributory. It explained that the building had external alterations and additions, including upper storey dormer windows and unsympathetic details added to the façade. Ms Schmeder and Mr Raworth did not comment on this property in their evidence.

The Panel notes that the dormer windows are set back and located to the side of the building. They do not alter the façade. There is no documented information to explain why the front façade alterations are unsympathetic and how they are significant enough to justify recategorising it to Non-contributory.

The proposal to recategorise 17 Robinson Street resulted from Council's further work since exhibiting the Amendment and was not in response to issues raised in a submission. The owner did not prepare a submission and it is not apparent whether the owner is aware of the proposed change. For procedural fairness, the owner and tenant should be notified of the proposed post-exhibition change before adopting the Amendment.

The Panel has insufficient information before it to make a finding in relation to whether the property should be recategorised from Contributory to Non-contributory. It finds:

- Council should explain in its report to the meeting where it will consider the Panel report, explain why the front façade alterations are unsympathetic and how they are significant enough to justify recategorising it to Non-contributory.
- For reasons of courtesy, Council should notify the affected property owner and tenant of the proposed recategorisation before adopting the Amendment.

5.17.7 Conclusions

The Panel concludes:

- Recategorising 49 Parsons Street, 81 Parsons Street, 81 Monash Street and 15 Servante Street from Contributory to Non-contributory is:
 - inconsistent with the methodology applied to assess properties in the Precinct
 - inconsistent with the threshold for Contributory properties in Clause 22.01
 - illogical when compared with other altered buildings in the Precinct that are categorised as Contributory
- Where a property is proposed to be recategorised in response to:
 - clear evidence of an error, such as for 17 Robinson Street and 13 and 15 McKay Street, property owners and tenants should be notified of the proposed changes out of courtesy before adopting the Amendment
 - other circumstances, property owners and tenants should be notified of the proposed changes through a separate process for reasons of procedural fairness.

5.17.8 Recommendations

The Panel recommends:

Amend the Amend the Statement of Significance, as shown in Appendix B, to:

- a) **reategorise 13 and 15 McKay Street, Sunshine, from Contributory to Non-contributory and include their built date as '1960s' subject to notifying the relevant property owners and tenants of the change**
- b) **reategorise 17 Robinson Street, Sunshine, from Contributory to Non-contributory subject to notifying the relevant property owners and tenants of the change.**

The Panel further recommends that Council:

Assess 15 Servante Street, Sunshine, for its individual heritage significance.

Prepare a separate planning scheme amendment which includes 49 Parsons Street, 81 Parsons Street, 81 Monash Street and 15 Servante Street as Contributory properties in the Grand Junction and Matthew's Hill Precinct (HO151).

5.18 Drafting matters

Ms Schmeder recommended that the Statement of Significance be changed to correct the built date in the Precinct Grading Table for:

- 11 Robinson Street to c1952-56
- 5 Servante Street to 1955-56
- 7 Servante Street to 1955-56
- 20 Tyler Street to c1950-56.

She also recommended that the Precinct map in the Statement of Significance correctly identify 57 Parsons Street as a Significant property to reflect its actual category shown in the Table of the same document.

Council agreed to the post-exhibition drafting changes and proposed to add a built date column to include known built dates.

Having reviewed them, the Panel agrees with the proposed changes and notes that it will improve the document's clarity and operation.

(i) Recommendations

The Panel recommends:

Amend the Statement of Significance, as shown in Appendix B, to:

- a) **add a built date column and include known dates**
- b) **delete the '44 Matthews Street' listing in the Table which is duplicated elsewhere**

Amend the Precinct map to correctly show 57 Parsons Street as a Significant property.

Appendix A Document list

No.	Description	Provided by
26 August 2019		
1	Council Part A submission with attachments of post exhibition documents: <ul style="list-style-type: none"> - Explanatory report (clean and tracked changes versions) - Instruction sheet (no change) - Precinct incorporated document (clean and tracked changes versions) - Heritage Overlay Schedule (clean and tracked changes versions) - Clause 72.04 (clean and tracked changes versions) 	Council
2	Expert witness statement – Natica Schmeder	Council
3	Expert witness statement – Bryce Raworth	Council
2 September 2019		
4	Review of proposed Grand Junction Estate and Environs Precinct, Heritage Alliance, 29 October 2018	Council
5	Photos – Site inspection	The Panel
6a	Letter – Council to Minister for Planning Re: withdrawing its request for an interim Heritage Overlay on the subject land, 4 April 2018	Council
6b	Letter – Council to Minister for Planning Re: resubmitted request for an interim Heritage Overlay on the subject land, 12 April 2018	Council
7	Letter – Department of Environment, Land, Water and Planning to Council advising that it would not authorise the Amendment until the Precinct Heritage Study has been reviewed, undated	Council
8	Letter – Department of Environment, Land, Water and Planning to Council authorising the Amendment subject to conditions, 30 October 2018	Council
9	Notice – Lapsing of Brimbank Planning Scheme Amendment C200 Part 1, <i>Victorian Government Gazette</i> , 29 August 2019	Council
10	Council Part B submission	Council
11	Letter – Department of Environment, Land, Water and Planning to Council advising that the application to authorise the Amendment needs further review, 14 March 2018	Council
12	Notice – Brimbank Planning Scheme Amendment C200, <i>Victorian Government Gazette</i> , 7 February 2019	Council
3 September 2019		
13	Submission – Colin and Margaret Craddock with the following attachments: <ul style="list-style-type: none"> - Extracts – Plan Melbourne 2017-2050 - Western Rail Plan - Extracts – Sunshine Town Centre Structure Plan, 2014 	Mr Mooney

No.	Description	Provided by
	<ul style="list-style-type: none"> - Extracts – Brimbank Housing Strategy Home and Housed, 2014 - Clause 21.07 (Housing) - Brimbank Planning Scheme Clause 22.01 (Brimbank Heritage) and the Heritage Overlay 	
14	Submission	77 Dickson Street owner
15	Photographs and plans	13 Hill Street owners
16	Pre-purchase Standard Property Inspection Report, 21 August 2019	13 Hill Street owners
17	Proposed development plans	13 Hill Street owners
18	Submission – Cozy Homes Developments Pty Ltd	Mr Nickas
19	Council Part C submission	Council
4 September 2019		
20	Council supplementary submission	Council

Appendix B Panel preferred version of the Statement of Significance

Tracked Added

~~Tracked Deleted~~

Unchanged content and the Precinct Map are not shown.

Grand Junction Estate and Matthew's Hill Precinct Statement of Significance

Heritage Place: Grand Junction Estate and Matthew's Hill Precinct	PS ref no: HO151
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What is significant?

The Grand Junction Estate and Matthew's Hill Precinct, Sunshine, is significant. The precinct consists of an irregular area stretching north-south between Dickson Street and Matthews Street (and the Matthew's Hill Reserve), and bounded by Kingaroy Road, McKay Street and Servante Street at the east, and the railway line, part of Station Place, Victoria Street and Whitty Street at the west.

The area was subdivided in parts, starting with the Grand Junction Estate in 1886, followed by the southern half streets between 1911 and 1925. This residential precinct was developed during the first half of the twentieth century, and showcases a wide range of architectural styles, with the majority from the interwar period. The precinct includes 57-77 Dickson Street, ~~9-19 and~~ 18, 20 & 22 Whitty Street, 1-19 & 9-26 Tyler Street, 1-21 & 8-22 Servante Street, 72-98 & 73-91 Monash Street, 1-7 & 6-19 Victoria Street, 4-14 Station Place, 1-17 & 6 Robinson Street, 1-17 & 2-18 McKay Street, 66-88 & 49-87A Parsons Street, 1-29 & 2-16 Drayton Street, 7-19 & 2-20 Hill Street, 44 & 50 Matthews Street, and 1-19 & 2-30 Kingaroy Road.

Elements which contribute to the Significance of the precinct include:

- The early dwellings within the precinct from the Victorian and Edwardian periods, including 63 Dickson Street; 80 and 85 Parsons Street; 4 Station Place; and 2 and 19 Tyler Street;
- The 1920s Arts and Crafts and California Bungalows with their consistent use of materials and built form, including 57, 59, 65, 67, 69 and 73 Dickson Street; 27 Drayton Street; 6, 8, 10, 12, 14, 18 Hill Street; 2, 6, 12, 14 and 18 Kingaroy Road; 2, 4, 5, 6, 7, 8, 10, 12, 16 and 18 McKay Street; 73, 74, 78, 79, 80, 81, 82, 84, 85, 87, 88, 91, 96 and 98 Monash Street; 70, 72, 75, 79, and 82 Parsons Street; 1, 3, 5, 7, 9, 11 and 17 Robinson Street; 1, 3, 10, 11, 12, 13 Servante Street; 8, 10, 12 and 14 Station Place; 1, 3, 5, 6, 9, 10 and 24 Tyler Street; 1, 3, 5, 6, 10, 12, 14 and 16 Victoria Street; and ~~7, 18, 20 and 22 Whitty Street.~~
- The 1930s and 1940s Bungalows with their consistent built form and wide range of architectural motifs, including 77 Dickson Street; 6, 14, 16, 17, 19, 23, 25 and 29 Drayton Street; 15 and 19 Hill Street; 8, 10, 11, 13, 15, 16 and 20 Kingaroy Road; 17 McKay Street; 75, 76, 84A, 86 and 89 Monash Street; 34, 51, 53, 57, 66, 68, 69, 71, 81, 83 and 84 Parsons Street; 17, 20, 21 and 22 Servante Street; and 12 and 26 Tyler Street.
- A selection of dwellings from the post-war era which are traditional in form, scale and siting, and generally modest in their design, and as such make useful contribution to the character of the area, including 75 Dickson Street; 1, 5, 7, 9, 10, 11, 12, 13 and 21 Drayton Street; 13 and 16 Hill Street; 1, 3, 4, 5, 7, 9 and 19 Kingaroy Road; 13 and 15 McKay Street; 72 Monash Street; 59, 86 and 88 Parsons Street; 5, 7, 16, 18 and 19 Servante Street; 7, 11, 13, 18 and 20 Tyler Street; ~~and 17 Whitty Street.~~
- The predominantly single storey scale of the precinct.
- The detached form of the dwellings with consistent front setbacks.
- Street layout and subdivision patterns. This includes the presence of rear laneways in the Grand Junction Estate, the contrast of wide east-west former government roads (Monash, Parsons and Matthews streets) and narrow, privately subdivided north-south streets (Whitty, Tyler, Servante, Robinson, McKay, Hill and Kingaroy Streets), as well as the diagonal streets following the railway line (Station Place, Victoria Street and Drayton Street). Also the two tree plantations at the junction of the diagonal streets with the rectilinear grid of the rest of the precinct (at Victoria Street and Robinson Street, and at Drayton Street and Hill Street).

- The tree plantation between Victoria and Robinson streets with mature Canary Island Palms, and the tree plantation between Drayton and Hill streets with Norfolk Island Oaks and an Atlas Cedar plantings.

The houses at 57 and 63 Dickson Street, 86 Monash Street, 57 Parsons Street, and 2 Tyler Street are individually Significant.

How is it significant?

The precinct is of local historic, architectural and aesthetic significance to the City of Brimbank.

Why is it significant?

...

Primary source

Grand Junction Estate and Matthew's Hill Precinct Heritage Study (Updated 2018)

Grand Junction Estate and Matthew's Hill Precinct Grading Table

Number	Address	Grade	Built date
57	Dickson Street	Significant	1927
59	Dickson Street	Contributory	1920s
61	Dickson Street	Non-contributory	
63	Dickson Street	Significant	1915
65	Dickson Street	Contributory	1920s
67	Dickson Street	Contributory	1920s
69	Dickson Street	Contributory	1920s
71	Dickson Street	Non-contributory	
73	Dickson Street	Contributory	1920s
75	Dickson Street	Contributory	1946-1949
1/77	Dickson Street	Contributory	1930s
2/77	Dickson Street	Non-contributory	
1	Drayton Street	Contributory	1944-49
2	Drayton Street	Non-contributory	
2A	Drayton Street	Non-contributory	
3	Drayton Street	Non-contributory	1945-49, altered
4	Drayton Street	Non-contributory	
5	Drayton Street	Contributory	1945-49
6	Drayton Street	Contributory	1930s
7	Drayton Street	Contributory	1959-60
9	Drayton Street	Contributory	1945-49
10	Drayton Street	Contributory	1950s
11	Drayton Street	Contributory	1949-50
12	Drayton Street	Contributory	1950s

Number	Address	Grade	Built date
13	Drayton Street	Contributory	1945-49
14	Drayton Street	Contributory	1930s-40s
15	Drayton Street	Non-contributory	
16	Drayton Street	Contributory	1930s
17	Drayton Street	Contributory	1930s
19	Drayton Street	Contributory	1930s
21	Drayton Street	Contributory	1959-60
23	Drayton Street	Contributory	1930s
25	Drayton Street	Contributory	1930s
27	Drayton Street	Contributory	1920s
29	Drayton Street	Contributory	1930s
2	Hill Street	Non-contributory	
4	Hill Street	Non-contributory	1920s, altered
6	Hill Street	Contributory	1920s
7	Hill Street	Non-contributory	
8	Hill Street	Contributory	1920s
9	Hill Street	Non-contributory	
10	Hill Street	Contributory	1920s
12	Hill Street	Contributory	1920s
13	Hill Street	Contributory	1940s
14	Hill Street	Contributory	1920s
15	Hill Street	Contributory	1930s
16	Hill Street	Contributory	1940s
17	Hill Street	Non-contributory	
18	Hill Street	Contributory	1920s
19	Hill Street	Contributory	1930s
20	Hill Street	Non-contributory	
22	Hill Street	Non-contributory	
1	Kingaroy Road	Contributory	1950s
2	Kingaroy Road	Contributory	1920s
3	Kingaroy Road	Contributory	1950s
4	Kingaroy Road	Contributory	1950s
5	Kingaroy Road	Contributory	1950s
6	Kingaroy Road	Contributory	1920s
7	Kingaroy Road	Contributory	1950s
8	Kingaroy Road	Contributory	1930s
9	Kingaroy Road	Contributory	1945-49

Number	Address	Grade	Built date
10	Kingaroy Road	Contributory	1930s
11	Kingaroy Road	Contributory	1930s
12	Kingaroy Road	Contributory	1920s
13	Kingaroy Road	Contributory	1940s
14	Kingaroy Road	Contributory	1920s
15	Kingaroy Road	Contributory	1930s
16	Kingaroy Road	Contributory	1940s
17	Kingaroy Road	Non-contributory	
18	Kingaroy Road	Contributory	1920s
19	Kingaroy Road	Contributory	1945-49
20	Kingaroy Road	Contributory	1930s
44	Matthews Street	Non-contributory	
50	Matthews Street	Non-contributory	
1	McKay Street	Non-contributory	
2	McKay Street	Contributory	
3	McKay Street	Non-contributory	1920s
3A	McKay Street	Non-contributory	
4	McKay Street	Contributory	1920s
5	McKay Street	Contributory	1920s
6	McKay Street	Contributory	1920s
7	McKay Street	Contributory	1920s
8	McKay Street	Contributory	1920s
9	McKay Street	Non-contributory	
10	McKay Street	Contributory	1920s
11	McKay Street	Non-contributory	
12	McKay Street	Contributory	1920s
13	McKay Street	Non- Contributory	1960s
14	McKay Street	Non-contributory	
15	McKay Street	Non- Contributory	1960s
16	McKay Street	Contributory	1920s
17	McKay Street	Contributory	1930s
18	McKay Street	Contributory	1920s
72	Monash Street	Contributory	1945-49
73	Monash Street	Contributory	1920s
74	Monash Street	Contributory	1920s
75	Monash Street	Contributory	1930s
76	Monash Street	Contributory	1930s

Number	Address	Grade	Built date
77	Monash Street	Non-contributory	
78	Monash Street	Contributory	1920s
79	Monash Street	Contributory	1920s
80	Monash Street	Contributory	1920s
81	Monash Street	Contributory Non-contributory	1920s
82	Monash Street	Contributory	1920s
83	Monash Street	Non-contributory	
84	Monash Street	Contributory	1920s
84A	Monash Street	Contributory	1930s
85	Monash Street	Contributory	1920s
86	Monash Street	Significant (HO150)	1937-38
87	Monash Street	Contributory	1920s
88	Monash Street	Contributory	1920s
89	Monash Street	Contributory	1930s
90	Monash Street	Non-contributory	
91A	Monash Street	Non-contributory	
91	Monash Street	Contributory	1920s
94	Monash Street	Non-contributory	
96	Monash Street	Contributory	1920s
98	Monash Street	Contributory	1920s
44	Matthews Street	Non-contributory	
49	Parsons Street	Non-contributory	1930s, altered
51	Parsons Street	Contributory	1930s
53	Parsons Street	Contributory	1930s
55	Parsons Street	Non-contributory	
57	Parsons Street	Contributory	1941-42
59	Parsons Street	Contributory	1945-49
61	Parsons Street	Contributory	1930s
63	Parsons Street	Contributory	1920s
65	Parsons Street	Contributory	1920s
66	Parsons Street	Contributory	1940s
67	Parsons Street	Non-contributory	
68	Parsons Street	Contributory	1930s
69	Parsons Street	Contributory	1930s
70	Parsons Street	Contributory	1920s
71	Parsons Street	Contributory	1930s

Number	Address	Grade	Built date
72	Parsons Street	Contributory	1920s
73	Parsons Street	Non-contributory	
73A	Parsons Street	Non-contributory	
74	Parsons Street	Non-contributory	
75	Parsons Street	Contributory	1920s
76	Parsons Street	Non-contributory	
77	Parsons Street	Non-contributory	
78	Parsons Street	Non-contributory	
79	Parsons Street	Contributory	1920s
80	Parsons Street	Contributory	1910s
81	Parsons Street	Non-contributory	1930s
82	Parsons Street	Contributory	1920s
83	Parsons Street	Contributory	1930s
84	Parsons Street	Contributory	1930s
85	Parsons Street	Contributory	1910s
86	Parsons Street	Contributory	1950s
87A	Parsons Street	Non-Contributory	
88	Parsons Street	Contributory	1950s
1	Robinson Street	Contributory	1920s
3	Robinson Street	Contributory	1920s
5	Robinson Street	Contributory	1920s
6	Robinson Street	Non-contributory	
7	Robinson Street	Contributory	1920s
9	Robinson Street	Contributory	1920s
11	Robinson Street	Contributory	1952-56
13	Robinson Street	Non-contributory	1920s, altered
15	Robinson Street	Non-contributory	
17	Robinson Street	Non -c Contributory	1920s
1	Servante Street	Contributory	1920s
3	Servante Street	Contributory	1920s
5	Servante Street	Contributory	1960s 1955-56
7	Servante Street	Contributory	1960s 1955-56
8	Servante Street	Non-contributory	1920s, altered
9	Servante Street	Non-contributory	
10	Servante Street	Contributory	1920s
11	Servante Street	Contributory	1920s
12	Servante Street	Contributory	1920s

Number	Address	Grade	Built date
13	Servante Street	Contributory	1920s
14	Servante Street	Non-contributory	
15	Servante Street	Non-contributory	c1947-49
16	Servante Street	Contributory	1950s
17	Servante Street	Contributory	1930s
18	Servante Street	Contributory	1950s
19	Servante Street	Contributory	1950s
20	Servante Street	Contributory	1930s
21	Servante Street	Contributory	1930s
22	Servante Street	Contributory	1930s
4	Station Place	Contributory	1910s
6	Station Place	Non-contributory	
8	Station Place	Contributory	1920s
10	Station Place	Contributory	1920s
12	Station Place	Contributory	1920s
14	Station Place	Contributory	1920s
1	Tyler Street	Contributory	1920s
2	Tyler Street	Significant (HO116)	1900s
3	Tyler Street	Contributory	1920s
4	Tyler Street	Non-contributory	
5	Tyler Street	Contributory	1920s
6	Tyler Street	Contributory	1920s
7	Tyler Street	Contributory	1945-49
8	Tyler Street	Non-contributory	1920s, altered
9	Tyler Street	Contributory	1920s
10	Tyler Street	Contributory	1920s
11	Tyler Street	Contributory	1950s
12	Tyler Street	Contributory	1930s
13	Tyler Street	Contributory	1950s
14 & 14A	Tyler Street	Non-contributory	
15	Tyler Street	Non-contributory	
16	Tyler Street	Non-contributory	
18	Tyler Street	Contributory	1950s
19	Tyler Street	Contributory	1910s
20	Tyler Street	Contributory	1960s 1950-1956
24	Tyler Street	Contributory	1920s
26	Tyler Street	Contributory	1930s

Number	Address	Grade	Built date
1	Victoria Street	Contributory	1920s
3	Victoria Street	Contributory	1920s
5	Victoria Street	Contributory	1920s
6	Victoria Street	Contributory	1920s
7	Victoria Street	Non-contributory	1920s, altered
8	Victoria Street	Non-contributory	
10	Victoria Street	Contributory	1920s
12	Victoria Street	Contributory	1920s
14	Victoria Street	Contributory	1920s
16	Victoria Street	Contributory	1920s
9	Whitty Street	Contributory	1930s
11	Whitty Street	Contributory	1930s
13	Whitty Street	Contributory	1920s
15	Whitty Street	Non-contributory	
17	Whitty Street	Contributory	1940s
18	Whitty Street	Contributory	1920s
19	Whitty Street	Contributory	€1890
20	Whitty Street	Contributory	1920s
22	Whitty Street	Contributory	1920s