

Attachment 1: Submission responses to proposed Amendment C242

Acronyms

HO – Heritage Overlay

Structure Plan – Pakenham Structure Plan (March 2017)

Heritage Report 2018 - *Pakenham Structure Plan Heritage Review, David Helms Heritage Planning February 2018 (revised July 2018)*

Heritage Study 2013 - *Pakenham Structure Plan inter-war and post-war heritage study, May 2013*

Planning Panel – Planning Panels Victoria

| Sub # | Address/ Organisation | Position | Submission Summary | Council Officer Response | Recommendation for Panel Hearing |
|-------|---|---------------|--|---|---|
| 1 | 1/53 Henry Street, Pakenham on behalf of 18A Henry Street, Pakenham | Clarification | <ol style="list-style-type: none"> 18A Henry Street, Pakenham appears incorrectly mapped. Concerned that the Amendment and Memorial Site at the Pakenham Library will affect the property at 1/53 Henry Street, Pakenham. | <ol style="list-style-type: none"> 18A Henry Street Pakenham is correctly mapped. The proposed Heritage Overlay for 18A Henry Street, Pakenham or the existing Memorial Site (HO226) will not have an impact on the submitter's property at 1/53 Henry Street, Pakenham. | <p>No change to amendment.</p> <p>Refer submission to a panel.</p> |
| 2 | Amendment C242 xwb Consulting | Clarification | <ol style="list-style-type: none"> Council owned properties were not included within proposed Amendment C242 as per the recommendations in the <i>Pakenham Structure Plan Heritage Review David Helms (February 2018)</i>. | <ol style="list-style-type: none"> Council has undertaken a net community benefit analysis for these properties and has determined the re-development of these sites are critical to appropriately provide the required level of service for the growing community. The Pakenham population is projected to grow from 48,381 to 88,095 over 25 years. | <p>No change to amendment.</p> <p>Refer submission to a panel.</p> |
| 3 | 14 James Street, Pakenham | Objection | <p>Pro forma Letter</p> <ol style="list-style-type: none"> Lack of Council consultation No justification for the amendment. The use of my land will be detrimentally impacted upon. Resale value of the property is impacted by the proposed heritage overlay | <ol style="list-style-type: none"> Residents were consulted during the exhibition of <i>Structure Plan</i> in May to June 2016 for Amendment C211 and submissions from the public were sought. Action 82 from the Structure Plan seeks a review of heritage properties in Pakenham, resulting in this amendment. The exhibition and notification of Amendment C242 is the initial step in the Amendment process. Amendment C242 reviewed the Heritage Study 2013 and implements the recommendations from the Heritage Report 2018. The application of the Heritage Overlay does not affect the uses of the land, the use is determined by the zone | <p>Submission noted.</p> <p>No change to amendment.</p> <p>Refer submission to a panel.</p> |

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| | | | <ol style="list-style-type: none"> 5. No statement of significance provided in Clause 43.01 of the Heritage Overlay 6. Applying a heritage overlay does not support the housing strategies on page 41 of the Pakenham Structure Plan (2017) 7. Point 10 of page 41 of the structure plan also states that Council seek to discourage developer covenants that restrict the diversity of housing in residential areas. 8. Objects to the amendment. | <p>Personal disadvantage as a result of the heritage listing including costs of repair of a building in poor condition, a desire to demolish and rebuild are not issues that are relevant to historic significance and remain outside the proper scope for consideration in relation to the matter of whether a Heritage Overlay should be applied.</p> <p>As stated by the Whitehorse C140 Panel Report: <i>'Panels have consistently held that whenever there may be competing objectives relating to heritage and other matters, the time to resolve them is not when the Heritage Overlay is applied but when a decision must be made under the Heritage Overlay or some other planning scheme provision. The only issue of relevance in deciding whether to apply the Heritage Overlay is whether the place has heritage significance.'</i></p> <p>Heritage grants are available to property owners.</p> <ol style="list-style-type: none"> 4. Decreased property values have also been dealt with by a number of Panels and have been the subject of research over many years. There is no hard evidence that the overlay will have a significant impact on future property sales or on property values. In any event, the impact of changes to planning controls on individual property values is not a relevant matter in the assessment of those controls. 5. The statement of significance for each property/precinct is provided in the citations in the Heritage Review 2018. Recent planning changes undertaken by the Minister for Planning will implement the statement of significance into the Schedule to Heritage Overlay at Clause 43.01 over the next 1-3 years which recognises that there is a need for the citations to be more accessible. 6. The Structure Plan looks at various components within the Activity Centre, including promoting housing density, diversity and affordability. It also specifies the importance of preserving heritage buildings in the activity centre. Section 5.4.1 of the Structure Plan details sites that warrant further investigations to facilitate their protection via the heritage overlay. Nevertheless, redevelopment opportunities would exist in the proposed heritage areas. 7. Point 10 on page 41 of the Structure Plan, Council is committed to ensuring diversity of housing and discouraging developer covenants | |

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| | | | | <p>which restrict things such as the number of dwellings on a block or the materials used to build dwellings. The inclusion of a heritage overlay is not considered a restrictive covenant and does not imply that a certain type of development is not allowed on the site on which the overlay covers. Intensification of a site that has a heritage overlay is achievable, but is required to consider the heritage values of the property.</p> <p>8. Council has an important role as the Planning Authority under the <i>Planning and Environment Act 1987</i> to protect properties of heritage significance.</p> | |
| 4 | 20 James Street, Pakenham | Objection | <p>Pro forma Letter</p> <ol style="list-style-type: none"> 1. Lack of Council consultation 2. No justification for the amendment. 3. The use of my land will be detrimentally impacted upon. 4. Resale value of the property is impacted by the proposed heritage overlay 5. No statement of significance provided in Clause 43.01 of the Heritage Overlay 6. Applying a heritage overlay does not support the housing strategies on page 41 of the Pakenham Structure Plan (2017) 7. Point 10 of page 41 of the structure plan also states that Council seek to discourage developer covenants that restrict the diversity of housing in residential areas. 8. Objects to the amendment. | <ol style="list-style-type: none"> 1. Residents were consulted during the exhibition of <i>Structure Plan</i> in May to June 2016 for Amendment C211 and submissions from the public were sought. Action 82 from the Structure Plan seeks a review of heritage properties in Pakenham, resulting in this amendment. The exhibition and notification of Amendment C242 is the initial step in the Amendment process. 2. Amendment C242 reviewed the Heritage Study 2013 and implements the recommendations from the Heritage Report 2018. 3. The application of the Heritage Overlay does not affect the uses of the land, the use is determined by the zone. Personal disadvantage as a result of the heritage listing including costs of repair of a building in poor condition, a desire to demolish and rebuild are not issues that are relevant to historic significance and remain outside the proper scope for consideration in relation to the matter of whether a Heritage Overlay should be applied. As stated by the Whitehorse C140 Panel Report: <i>'Panels have consistently held that whenever there may be competing objectives relating to heritage and other matters, the time to resolve them is not when the Heritage Overlay is applied but when a decision must be made under the Heritage Overlay or some other planning scheme provision. The only issue of relevance in deciding whether to apply the Heritage Overlay is whether the place has heritage significance.'</i> Heritage grants are available to property owners affected. | <p>Submission noted.</p> <p>No change to amendment.</p> <p>Refer submission to a panel.</p> |

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| 5 | 12 Snodgrass | Objection | <p>Pro forma Letter</p> <ol style="list-style-type: none"> 1. Lack of Council consultation | <ol style="list-style-type: none"> 1. Residents were consulted during the exhibition of <i>Structure Plan</i> in May to June 2016 for Amendment C211 and submissions from the public were sought. Action 82 from the Structure Plan seeks a | <p>Submission noted.</p> <p>No change to</p> |

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| | Street, Pakenham | | <ol style="list-style-type: none"> 2. No justification for the amendment. 3. The use of my land will be detrimentally impacted upon. 4. Resale value of the property is impacted by the proposed heritage overlay 5. No statement of significance provided in Clause 43.01 of the Heritage Overlay 6. Applying a heritage overlay does not support the housing strategies on page 41 of the Pakenham Structure Plan (2017) 7. Point 10 of page 41 of the structure plan also states that Council seek to discourage developer covenants that restrict the diversity of housing in residential areas. 8. Objects to the amendment. | <p>review of heritage properties in Pakenham, resulting in this amendment. The exhibition and notification of Amendment C242 is the initial step in the Amendment process.</p> <ol style="list-style-type: none"> 2. Amendment C242 reviewed the Heritage Study 2013 and implements the recommendations from the Heritage Report 2018. 3. The application of the Heritage Overlay does not affect the uses of the land, the use is determined by the zone Personal disadvantage as a result of the heritage listing including costs of repair of a building in poor condition, a desire to demolish and rebuild are not issues that are relevant to historic significance and remain outside the proper scope for consideration in relation to the matter of whether a Heritage Overlay should be applied. As stated by the Whitehorse C140 Panel Report: <i>'Panels have consistently held that whenever there may be competing objectives relating to heritage and other matters, the time to resolve them is not when the Heritage Overlay is applied but when a decision must be made under the Heritage Overlay or some other planning scheme provision. The only issue of relevance in deciding whether to apply the Heritage Overlay is whether the place has heritage significance.'</i> Heritage grants are available to property owners affected. 4. Decreased property values have also been dealt with by a number of Panels and have been the subject of research over many years. There is no hard evidence that the overlay will have a significant impact on future property sales or on property values. In any event, the impact of changes to planning controls on individual property values is not a relevant matter in the assessment of those controls. 5. The statement of significance for each property/precinct is provided in the citations in the Heritage Review 2018. Recent planning changes undertaken by the Minister for Planning will implement the statement of significance into the Schedule to Heritage Overlay at Clause 43.01 over the next 1-3 years, which recognises that there is a need for the citations to be more accessible.. 6. The Structure Plan looks at various components within the Activity Centre, including promoting housing density, diversity and | <p>amendment.</p> <p>Refer submission to a panel.</p> |

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| | | | | <p>affordability. It also specifies the importance of preserving heritage buildings in the activity centre. Section 5.4.1 of the Structure Plan details sites that warrant further investigations to facilitate their protection via the heritage overlay. Nevertheless, redevelopment opportunities would exist in the proposed heritage areas.</p> <p>7. Point 10 on page 41 of the Structure Plan, Council is committed to ensuring diversity of housing and discouraging developer covenants which restrict things such as the number of dwellings on a block or the materials used to build dwellings. The inclusion of a heritage overlay is not considered a restrictive covenant and does not imply that a certain type of development is not allowed on the site on which the overlay covers. Intensification of a site that has a heritage overlay is achievable, but is required to consider the heritage values of the property.</p> <p>8. Council has an important role as the Planning Authority under the <i>Planning and Environment Act 1987</i> to protect properties of heritage significance.</p> | |
| 6 | 1-7 Station Street, Pakenham | Support | <ol style="list-style-type: none"> 1. Supports the preservation of buildings with heritage value. 2. 3-5 Station Street, Pakenham are a later period extension and considered to have no heritage value. 3. Requests amendment C242 to address 1-7 Station Street, Pakenham. Heritage overlay to encompass 1 Station Street, Pakenham only. | <ol style="list-style-type: none"> 1. Agree. Council Officer's support this request as the Heritage Review 2018 Statement of Significance identifies the 1 Station Street, Pakenham as having local historical and aesthetic significance to Cardinia Shire at the site. 2. As per the Heritage Review 2018 '<i>Goldsack and Hardy Former Hardware Store built in 1953 a two-storey brick shop and residence on the corner. Alterations and additions made to the building after 1960 are not significant.</i>' Agree. 3-7 Station Street, Pakenham has had alterations after 1960 and therefore these buildings are not significant. 3. Agree. Amend the proposed H0228 map to only include the building and façade of 1 Station Street of 1-7 Station Street Pakenham. The facades facing both Station Street and Main Street are significant for 1 Station Street and the Heritage Overlay will cover the entirety of this area. | <p>Agree.</p> <p>Changes will be made accordingly.</p> <p>Refer submission to a Panel.</p> |

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| 7 | Xwb Consulting 84 Main Street, Pakenham | Objection | <ol style="list-style-type: none"> 1. Diminished opportunity to redevelop the property within the core retail area. 2. 84 Main Street, Pakenham building structure is compromised. 3. Maintenance and remedial costs are likely to be significant. 4. Pakenham Structure Plan (2017) does not identify the property at 84 Main Street, Pakenham for future heritage investigation. 5. The application of the heritage overlay is not justified for this property. 6. Heritage significance compromised by the adjoining redevelopment of the Pakenham Ambulance Station as it is a modern building and does not consider the heritage context of 84 Main Street, Pakenham. 7. Council did not include their properties within proposed Amendment C242 as per the recommendations in the Pakenham Structure Plan Heritage Review David Helms (February 2018). | <ol style="list-style-type: none"> 1. The Heritage overlay does not prevent the opportunity for redevelopment and the Stonnington C117 & 118 Panel report, May 2011 states, <i>'The Heritage Overlay does not prevent redevelopment, including restoration and additions. New development visible from the street should be designed in a manner sympathetic to the character of the significant fabric or in an understated modern manner in complementary form and materials.'</i> When there is a situation of competing controls, the controls will be considered and balanced on a case by case basis at the planning permit stage. Heritage overlay controls applied to strip shopping centres such as Chapel Street, Prahran / South Yarra and Smith Street, Fitzroy / Collingwood have protected of heritage buildings and ensured the on-going development of those centres. 2. The building is of heritage significance and the condition of the building is not a factor in this determination. A building report at planning permit application would be required to prove that the structure is compromised. 3. Personal disadvantage as a result of the heritage listing including costs of repair of a building in poor condition, a desire to demolish and rebuild are not issues that are relevant to historic significance and remain outside the proper scope for consideration in relation to the matter of whether a Heritage Overlay should be applied. As stated by the Whitehorse C140 Panel Report: <i>'Panels have consistently held that whenever there may be competing objectives relating to heritage and other matters, the time to resolve them is not when the Heritage Overlay is applied but when a decision must be made under the Heritage Overlay or some other planning scheme provision. The only issue of relevance in deciding whether to apply the Heritage Overlay is whether the place has heritage significance.'</i> Heritage grants are available to property owners. 4. 84 Main Street was not identified in the 2017 version of the Structure Plan. It was identified in the reviewed by the Heritage Review 2018, as were a number of other properties. | <p>Submission noted.</p> <p>No change to amendment.</p> <p>Refer submission to a panel.</p> |

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| | | | | <p>5. The citation clearly identifies the heritage value of this property which is only one of five known surviving examples of pre-World War I houses in the Pakenham town centre.</p> <p>6. The objective of the control is to achieve sympathetic' development, not to 'recreate' Edwardian and interwar buildings. It is anticipated and accepted that some redevelopment will occur within close proximity and adjacent to heritage properties, but that it will be undertaken in the context of its heritage significance. The redevelopment of Pakenham Ambulance Station is considered to be sympathetic to the property at 84 Main Street as it provides a similar height and setbacks from the property via the drive way. The design does not overpower or detract from this heritage property.</p> <p>7. Council has undertaken a net community benefit analysis for these properties and has determined the re-development of these sites are critical to appropriately provide the required level of service for the growing community. The Pakenham population is projected to grow from 48,381 to 88,095 over 25 years.</p> | |
| 8 | Berwick Pakenham Historical Society | Support | 1. Support the proposed Amendment C242. | 1. Acknowledged. | <p>Submission is supportive.</p> <p>Refer submission to a Panel.</p> |
| 9 | 17 James Street, Pakenham | Objection | <p>Pro forma Letter</p> <ol style="list-style-type: none"> Lack of Council consultation No justification for the amendment. The use of my land will be detrimentally impacted upon. Resale value of the property is impacted by the proposed heritage overlay | <ol style="list-style-type: none"> Residents were consulted during the exhibition of <i>Structure Plan</i> in May to June 2016 for Amendment C211 and submissions from the public were sought. Action 82 from the Structure Plan seeks a review of heritage properties in Pakenham, resulting in this amendment. The exhibition and notification of Amendment C242 is the initial step in the Amendment process. Amendment C242 reviewed the Heritage Study 2013 and implements the recommendations from the Heritage Report 2018. The application of the Heritage Overlay does not affect the uses of the land, the use is determined by the zone. Personal disadvantage as a result of the heritage listing including | <p>Submission noted.</p> <p>No change to amendment.</p> <p>Refer submission to a panel.</p> |

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| 10 | 11 James Street, Pakenham | Objection | <p>Pro forma Letter</p> <ol style="list-style-type: none"> 1. Lack of Council consultation 2. No justification for the amendment. 3. The use of my land will be detrimentally impacted upon. 4. Resale value of the property is impacted by the proposed heritage overlay 5. No statement of significance provided in Clause 43.01 of the Heritage Overlay 6. Applying a heritage overlay does not support the housing strategies on page 41 of the Pakenham Structure Plan (2017) 7. Point 10 of page 41 of the structure plan also states that Council seek to discourage developer covenants that restrict the diversity of housing in residential areas. 8. Objects to the amendment. | <ol style="list-style-type: none"> 1. Residents were consulted during the exhibition of <i>Structure Plan</i> in May to June 2016 for Amendment C211 and submissions from the public were sought. Action 82 from the Structure Plan seeks a review of heritage properties in Pakenham, resulting in this amendment. The exhibition and notification of Amendment C242 is the initial step in the Amendment process. 2. Amendment C242 reviewed the Heritage Study 2013 and implements the recommendations from the Heritage Report 2018. 3. The application of the Heritage Overlay does not affect the uses of the land, the use is determined by the zone. Personal disadvantage as a result of the heritage listing including costs of repair of a building in poor condition, a desire to demolish and rebuild are not issues that are relevant to historic significance and remain outside the proper scope for consideration in relation to the matter of whether a Heritage Overlay should be applied. As stated by the Whitehorse C140 Panel Report: <i>'Panels have consistently held that whenever there may be competing objectives relating to heritage and other matters, the time to resolve them is not when the Heritage Overlay is applied but when a decision must be made under the Heritage Overlay or some other planning scheme provision. The only issue of relevance in deciding whether to apply the Heritage Overlay is whether the place has heritage significance.'</i> Heritage grants are available to property owners affected. | <p>Submission noted.</p> <p>No change to amendment.</p> <p>Refer submission to a panel.</p> |

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| 11 | 13 James Street, Pakenham | Objection | <p>Pro forma Letter</p> <ol style="list-style-type: none"> 1. Future redevelopment opportunity is diminished | <ol style="list-style-type: none"> 1. The Heritage overlay does not prevent the opportunity for redevelopment and the Stonnington C117 & 118 Panel report, May 2011 states, <i>'The Heritage Overlay does not prevent</i> | <p>Submission noted.</p> <p>No change to</p> |

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| 12 | Uniting Church in Australia | Objection | <ol style="list-style-type: none"> 1. Diminished opportunity for future redevelopment of 90-92 Main Street, Pakenham in | <ol style="list-style-type: none"> 1. The Heritage overlay does not prevent the opportunity for redevelopment and the Stonnington C117 & 118 Panel report, May 2011 states, <i>'The Heritage Overlay does not prevent</i> | <p>Submission noted.</p> <p>No change to</p> |

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| | 90-92 Main Street, Pakenham | | <p>conjunction with 94 Main Street and 45 James Street as a potential master site.</p> <ol style="list-style-type: none"> 90-92 Main Street, Pakenham does not have heritage significance. Requests removal of proposed heritage overlay from 90-92 Main Street, Pakenham. Request communications be sent to an alternative address as well as the rateable address. <p>Linked to submission 15 (same address).</p> | <p><i>redevelopment, including restoration and additions. New development visible from the street should be designed in a manner sympathetic to the character of the significant fabric or in an understated modern manner in complementary form and materials.'</i></p> <p>When there is a situation of competing controls, the controls will be considered and balanced on a case by case basis at the planning permit stage.</p> <p>Heritage overlay controls applied to strip shopping centres such as Chapel Street, Prahran / South Yarra and Smith Street, Fitzroy / Collingwood have protected heritage buildings and ensured the on-going development of those centres.</p> <ol style="list-style-type: none"> The Heritage Review 2018 identifies 90-92 Main Street, Pakenham as local historical and architectural significance the property is now only one of three remaining interwar commercial buildings on the Main Street that are associated with a house. Noted. A letter was sent to the rateable address. The additional address has been added to a list for future notification for this Amendment. | <p>amendment.</p> <p>Refer submission to a panel.</p> |
| 13 | Duffy & Simon Lawyers 11 James Street, Pakenham | Objection | <ol style="list-style-type: none"> Structural and aesthetic modifications have been made at 11 James Street, Pakenham. Modifications have changed the character of the dwelling from its original form. Requests removal of proposed heritage overlay as the property is compromised as a contributory property within the James Street precinct. | <ol style="list-style-type: none"> Noted. The Heritage Review 2018 citation identifies that internal alterations may have been made throughout the precinct. However, the house still has a high level of integrity and intactness and a heritage overlay should still be applied. Noted. Council has an important role as the Planning Authority under the <i>Planning and Environment Act 1987</i> to protect properties of heritage significance. | <p>Submission noted.</p> <p>No change to amendment.</p> <p>Refer submission to a panel.</p> |
| 14 | 49 James Street, Pakenham | Objection | <ol style="list-style-type: none"> Lack of Council consultation. The property's building structure is compromised. | <ol style="list-style-type: none"> Residents were consulted during the exhibition of <i>Structure Plan</i> in May to June 2016 for Amendment C211 and submissions from the public were sought. Action 82 from the Structure Plan seeks a review of heritage properties in Pakenham, resulting in this | <p>Submission noted.</p> <p>No change to amendment.</p> |

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| | | | <ol style="list-style-type: none"> 3. Applying a heritage overlay does not support the housing strategies listed on page 41 of the Pakenham Structure Plan (2017). 4. Maintenance and remedial costs are likely to be significant. 5. The appearance of the property at does not support the character of the area given the property is adjacent to commercial buildings. 6. Limited opportunities for the property to contribute to the core retail precinct without development. 7. Future redevelopment opportunity is diminished. 8. Object the amendment and request removal of proposed heritage overlay and abandon the amendment. | <p>amendment. The exhibition and notification of Amendment C242 is the initial step in the Amendment process.</p> <ol style="list-style-type: none"> 2. The building is of heritage significance and the condition of the building is not a factor in this determination. A building report at planning permit application would be required to prove that the structure is compromised. 3. The Structure Plan aims to balance the need for development, preserve heritage properties and neighbourhood character. As is stated in Strategy 9 on page 41 and as per page 94 of the Structure Plan, the objective is to "Preserve precincts, places and buildings of historical and architectural significance to retain built and cultural heritage in the Pakenham Activity Centre." 4. Personal disadvantage as a result of the heritage listing including costs of repair of a building in poor condition, a desire to demolish and rebuild are not issues that are relevant to historic significance and remain outside the proper scope for consideration in relation to the matter of whether a Heritage Overlay should be applied. As stated by the Whitehorse C140 Panel Report: <i>'Panels have consistently held that whenever there may be competing objectives relating to heritage and other matters, the time to resolve them is not when the Heritage Overlay is applied but when a decision must be made under the Heritage Overlay or some other planning scheme provision. The only issue of relevance in deciding whether to apply the Heritage Overlay is whether the place has heritage significance. Heritage grants are available to property owners.'</i> 5. See Comment 3. 6. & 7. The Heritage overlay does not prevent the opportunity for redevelopment and the Stonnington C117 & 118 Panel report, May 2011 states, <i>'The Heritage Overlay does not prevent redevelopment, including restoration and additions. New development visible from the street should be designed in a manner sympathetic to the character of the significant fabric or in an understated modern manner in complementary form and materials.'</i> When there is a situation of competing controls, the controls will be | <p>Refer submission to a panel.</p> |

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| | | | | <p>considered and balanced on a case by case basis at the planning permit stage.</p> <p>Heritage overlay controls applied to strip shopping centres such as Chapel Street, Prahran / South Yarra and Smith Street, Fitzroy / Collingwood have protected of heritage buildings and ensured the on-going development of those centres.</p> <p>8. The statement of significance clearly identifies the heritage value of this property noting its high integrity and intactness and the historic association is demonstrated by it being situated immediately behind the <i>Gazette</i> office.</p> <p>Council has an important role as the Planning Authority under the <i>Planning and Environment Act 1987</i> to protect properties of heritage significance.</p> | |
| 15 | <p>Uniting Church in Australia (OPMA Church Council)</p> <p>90-92 Main Street, Pakenham</p> | Objection | <ol style="list-style-type: none"> 1. Portion of the building and roof in disrepair. 2. Diminished opportunity for future redevelopment of 90-92 Main Street, Pakenham in conjunction with 45 James Street, Pakenham. 3. Seek changes to the form and content of proposed Amendment C242 to allow redevelopment of 90-92 Main Street, Pakenham. 4. Willing to retain some significant aspect identified within the new building concept or interpretive signage. 5. The Doric columns are no longer in pedestrian view. <p>Linked to Submission 12 (same organisation)</p> | <ol style="list-style-type: none"> 1. The building is of heritage significance and the condition of the building is not a factor in this determination. A building report at planning permit application would be required to prove that the structure is compromised. 2. The Heritage overlay does not prevent the opportunity for redevelopment and the Stonnington C117 & 118 Panel report, May 2011 states, <i>'The Heritage Overlay does not prevent redevelopment, including restoration and additions. New development visible from the street should be designed in a manner sympathetic to the character of the significant fabric or in an understated modern manner in complementary form and materials.'</i> When there is a situation of competing controls, the controls will be considered and balanced on a case by case basis at the planning permit stage. Heritage overlay controls applied to strip shopping centres such as Chapel Street, Prahran / South Yarra and Smith Street, Fitzroy / Collingwood have protected of heritage buildings and ensured the on-going development of those centres. 3. See Comment 2. 4. Noted. | <p>Submission noted.</p> <p>No change to amendment.</p> <p>Refer submission to a panel.</p> |

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| | | | | 5. Noted. Council has an important role as the Planning Authority under the <i>Planning and Environment Act 1987</i> to protect properties of heritage significance. | |
| 16 | 19 Rogers Street, Pakenham | Support | <ol style="list-style-type: none"> 1. Affects the ability to renovate and redecorate at 19 Roger Street, Pakenham. 2. Resale value of the property is impacted by the proposed heritage overlay. 3. Lack of council consultation. 4. Supports the preservation and conservation of our history. 5. Agrees to the protection the Roger Street houses (group listing). | <ol style="list-style-type: none"> 1. A permit is not required for internal alterations for this property. A planning permit is not required to carry out routine maintenance and repairs which do not change the appearance of the heritage place. If the maintenance is simply maintaining what is already existing and replacing something with 'like with like', then a planning permit may not be required. A planning permit is required if the maintenance changes any material or heritage elements or as identified at Schedule to Clause 43.01 in the Cardinia Planning Scheme. 2. Decreased property values have also been dealt with by a number of Panels and have been the subject of research over many years. There is no hard evidence that the overlay will have a significant impact on future property sales or on property values. In any event, the impact of changes to planning controls on individual property values is not a relevant matter in the assessment of those controls. 3. Residents were consulted during the exhibition of <i>Structure Plan</i> in May to June 2016 for Amendment C211 and submissions from the public were sought. Action 82 from the Structure Plan seeks a review of heritage properties in Pakenham, resulting in this amendment. The exhibition and notification of Amendment C242 is the initial step in the Amendment process. 4. Acknowledged. 5. Acknowledged. | Submission noted. No change to amendment. |
| 17 | 18A Henry Street, Pakenham | Objection | <ol style="list-style-type: none"> 1. Modifications have changed the character of the internals of the dwelling from its original form 2. The proposed heritage property at 18A Henry Street, Pakenham is not in keeping with the | <ol style="list-style-type: none"> 1. The proposed Heritage Overlay does not seek to apply internal heritage controls. Therefore, any internal modifications are acceptable. A planning permit is not required to carry out routine maintenance and repairs which do not change the appearance of the heritage place. A planning permit is required if the maintenance changes any material or heritage elements or as identified at Schedule to Clause 43.01 in the Cardinia Planning Scheme. | Submission noted. No change to amendment. Refer submission to a panel. |

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| | | | <p>current neighbourhood character due to significant changes to residential and commercial properties within the area</p> <ol style="list-style-type: none"> 3. Applying a heritage overlay does not support the housing strategies on page 41 of the Pakenham Structure Plan (2017). 4. Severe deterioration of the property at 18A Henry Street, Pakenham. Maintenance and remedial costs are likely to be significant. 5. The application of the proposed heritage overlay has no justification or statement of significance. 6. Questions the significance of 18A Henry Street in comparison to dwellings on Slattery place and Racecourse Road, Pakenham. 7. Request removal from Amendment C242. <p>Linked to submission 25 (additional resident for the same property).</p> | <ol style="list-style-type: none"> 2. Development of heritage places within Major Activity Centres, whether they are individually 'significant', or 'contributory' or 'non-contributory' places within precinct, will need to respond to a range of policy considerations. This occurs as part of the consideration of individual planning permit application and is not a reason for seeking to limit the application of the Heritage Overlay. Additionally, the objective on page 94 of the Structure Plan is to <i>"Preserve precincts, places and buildings of historical and architectural significance to retain built and cultural heritage in the Pakenham Activity Centre."</i> 3. The Structure Plan looks at various components within the Activity Centre, including promoting housing density, diversity and affordability. It also specifies the importance of preserving heritage buildings in the activity centre. Section 5.4.1 of the Structure Plan details sites that warrant further investigations to facilitate their protection via the heritage overlay. Nevertheless, redevelopment opportunities would exist in the proposed heritage areas. 4. Personal disadvantage as a result of the heritage listing including costs of repair of a building in poor condition, a desire to demolish and rebuild are not issues that are relevant to historic significance and remain outside the proper scope for consideration in relation to the matter of whether a Heritage Overlay should be applied. As stated by the Whitehorse C140 Panel Report: <i>'Panels have consistently held that whenever there may be competing objectives relating to heritage and other matters, the time to resolve them is not when the Heritage Overlay is applied but when a decision must be made under the Heritage Overlay or some other planning scheme provision. The only issue of relevance in deciding whether to apply the Heritage Overlay is whether the place has heritage significance.</i> Heritage grants are available to property owners. 5. & 6 The Statement of Significance and citation for the property is provided in the Heritage Review 2018. 18A Henry Street is a historically significant home and one of the oldest surviving houses within Pakenham, thought to date from c. 1905. The only other | |

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| | | | | <p>house of comparable construction date at 40 Slattery Place is more altered, and is not considered by this study as significant to warrant heritage protection.</p> <p>7. Council has an important role as the Planning Authority under the <i>Planning and Environment Act 1987</i> to protect properties of heritage significance.</p> | |
| 18 | <p>8 Boundary Road, Wandin North</p> <p>on behalf of</p> <p>21 James Street, Pakenham</p> | Objection | <p>Pro forma Letter</p> <ol style="list-style-type: none"> 1. Lack of Council consultation 2. No justification for the amendment. 3. The use of my land will be detrimentally impacted upon. 4. Resale value of the property is impacted by the proposed heritage overlay 5. No statement of significance provided in Clause 43.01 of the Heritage Overlay 6. Applying a heritage overlay does not support the housing strategies on page 41 of the Pakenham Structure Plan (2017) 7. Point 10 of page 41 of the structure plan also states that Council seek to discourage developer covenants that restrict the diversity of housing in residential areas. 8. Objects to the amendment. | <ol style="list-style-type: none"> 1. Residents were consulted during the exhibition of <i>Structure Plan</i> in May to June 2016 for Amendment C211 and submissions from the public were sought. Action 82 from the Structure Plan seeks a review of heritage properties in Pakenham, resulting in this amendment. The exhibition and notification of Amendment C242 is the initial step in the Amendment process. 2. Amendment C242 reviewed the Heritage Study 2013 and implements the recommendations from the Heritage Report 2018. 3. The application of the Heritage Overlay does not affect the uses of the land, the use is determined by the zone. Personal disadvantage as a result of the heritage listing including costs of repair of a building in poor condition, a desire to demolish and rebuild are not issues that are relevant to historic significance and remain outside the proper scope for consideration in relation to the matter of whether a Heritage Overlay should be applied. As stated by the Whitehorse C140 Panel Report: <i>'Panels have consistently held that whenever there may be competing objectives relating to heritage and other matters, the time to resolve them is not when the Heritage Overlay is applied but when a decision must be made under the Heritage Overlay or some other planning scheme provision. The only issue of relevance in deciding whether to apply the Heritage Overlay is whether the place has heritage significance.'</i> Heritage grants are available to property owners affected. 4. Decreased property values have also been dealt with by a number of Panels and have been the subject of research over many years. There is no hard evidence that the overlay will have a significant impact on future property sales or on property values. In any event, | <p>Submission noted.</p> <p>No change to amendment.</p> <p>Refer submission to a panel.</p> |

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| | | | | <p>the impact of changes to planning controls on individual property values is not a relevant matter in the assessment of those controls.</p> <p>5. The statement of significance for each property/precinct is provided in the citations in the Heritage Review 2018. Recent planning changes undertaken by the Minister for Planning will implement the statement of significance into the Schedule to Heritage Overlay at Clause 43.01 over the next 1-3 years, which recognises that there is a need for the citations to be more accessible.</p> <p>6. The Structure Plan looks at various components within the Activity Centre, including promoting housing density, diversity and affordability. It also specifies the importance of preserving heritage buildings in the activity centre. Section 5.4.1 of the Structure Plan details sites that warrant further investigations to facilitate their protection via the heritage overlay. Nevertheless, redevelopment opportunities would exist in the proposed heritage areas.</p> <p>7. Point 10 on page 41 of the Structure Plan, Council is committed to ensuring diversity of housing and discouraging developer covenants which restrict things such as the number of dwellings on a block or the materials used to build dwellings. The inclusion of a heritage overlay is not considered a restrictive covenant and does not imply that a certain type of development is not allowed on the site on which the overlay covers. Intensification of a site that has a heritage overlay is achievable, but is required to consider the heritage values of the property.</p> <p>8. Council has an important role as the Planning Authority under the <i>Planning and Environment Act 1987</i> to protect properties of heritage significance.</p> | |
| 19 | Pakenham Sub-Branch Returned and Services League (RSL) | Objection | <ol style="list-style-type: none"> 1. The heritage building does not have any distinguishing features and is not of historical significance 2. The Patriotic and Building fund own the Victorian state branch of the RSL as Trustee. | <ol style="list-style-type: none"> 1. The Heritage Review 2018 states that the James Street precinct predominantly contains houses from the post-war period, which includes the RSL Hall at 1 Snodgrass Street, Pakenham. The RSL headquarters, is socially as well as historically significant for its association with veterans. 2. Noted. 3. Noted. | <p>Submission noted.</p> <p>No change to amendment.</p> <p>Refer submission to a panel.</p> |

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| | 1 Snodgrass Street, Pakenham | | <p>3. 1 Snodgrass Street, Pakenham is the 3rd, 4th, 5th or 6th location of the Pakenham RSL sub-branch</p> <p>4. Local significance is not tied to a particular building or location</p> <p>5. Future redevelopment opportunities are diminished</p> <p>6. Pakenham RSL have considered moving locations in the near future</p> <p>7. The submission questions the ability to meet community needs if this proposed heritage overlay is applied</p> <p>Linked to submission 31 (same address).</p> | <p>4. See Comment 1.</p> <p>5. The Heritage overlay does not prevent the opportunity for redevelopment and the Stonnington C117 & 118 Panel report, May 2011 states, <i>'The Heritage Overlay does not prevent redevelopment, including restoration and additions. New development visible from the street should be designed in a manner sympathetic to the character of the significant fabric or in an understated modern manner in complementary form and materials.'</i> When there is a situation of competing controls, the controls will be considered and balanced on a case by case basis at the planning permit stage. Heritage overlay controls applied to strip shopping centres such as Chapel Street, Prahran / South Yarra and Smith Street, Fitzroy / Collingwood have protected of heritage buildings and ensured the on-going development of those centres.</p> <p>6. Noted.</p> <p>7. Noted.</p> | |
| 20 | 3 Henty Street, Pakenham | Objection | <p>Pro forma Letter</p> <p>1. Lack of Council consultation</p> <p>2. No justification for the amendment.</p> <p>3. The use of my land will be detrimentally impacted upon.</p> <p>4. Resale value of the property is impacted by the proposed heritage overlay</p> <p>5. No statement of significance provided in Clause 43.01 of the Heritage Overlay</p> <p>6. Applying a heritage overlay does not support the housing strategies on page 41 of the</p> | <p>1. Residents were consulted during the exhibition of <i>Structure Plan</i> in May to June 2016 for Amendment C211 and submissions from the public were sought. Action 82 from the Structure Plan seeks a review of heritage properties in Pakenham, resulting in this amendment. The exhibition and notification of Amendment C242 is the initial step in the Amendment process.</p> <p>2. Amendment C242 reviewed the Heritage Study 2013 and implements the recommendations from the Heritage Report 2018.</p> <p>3. The application of the HO does not affect the uses of the land, the use is determined by the zone. Personal disadvantage as a result of the heritage listing including costs of repair of a building in poor condition, a desire to demolish and rebuild are not issues that are relevant to historic significance and remain outside the proper scope for consideration in relation to the matter of whether a Heritage Overlay should be applied. As stated by the Whitehorse C140 Panel Report:</p> | <p>Submission noted.</p> <p>No change to amendment.</p> <p>Refer submission to a panel.</p> |

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| | | | <p>Pakenham Structure Plan (2017)</p> <p>7. Point 10 of page 41 of the structure plan also states that Council seek to discourage developer covenants that restrict the diversity of housing in residential areas.</p> <p>8. Objects to the amendment.</p> | <p><i>'Panels have consistently held that whenever there may be competing objectives relating to heritage and other matters, the time to resolve them is not when the Heritage Overlay is applied but when a decision must be made under the Heritage Overlay or some other planning scheme provision. The only issue of relevance in deciding whether to apply the Heritage Overlay is whether the place has heritage significance.'</i></p> <p>Heritage grants are available to property owners affected.</p> <p>4. Decreased property values have also been dealt with by a number of Panels and have been the subject of research over many years. There is no hard evidence that the overlay will have a significant impact on future property sales or on property values. In any event, the impact of changes to planning controls on individual property values is not a relevant matter in the assessment of those controls.</p> <p>5. The statement of significance for each property/precinct is provided in the citations in the Heritage Review 2018. Recent planning changes undertaken by the Minister for Planning will implement the statement of significance into the Schedule to Heritage Overlay at Clause 43.01 over the next 1-3 years, which recognises that there is a need for the citations to be more accessible.</p> <p>6. The Structure Plan looks at various components within the Activity Centre, including promoting housing density, diversity and affordability. It also specifies the importance of preserving heritage buildings in the activity centre. Section 5.4.1 of the Structure Plan details sites that warrant further investigations to facilitate their protection via the heritage overlay. Nevertheless, redevelopment opportunities would exist in the proposed heritage areas.</p> <p>7. Point 10 on page 41 of the Structure Plan, Council is committed to ensuring diversity of housing and discouraging developer covenants which restrict things such as the number of dwellings on a block or the materials used to build dwellings. The inclusion of a heritage overlay is not considered a restrictive covenant and does not imply that a certain type of development is not allowed on the site on which the overlay covers. Intensification of a site that has a heritage</p> | |

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| | | | | <p>overlay is achievable, but is required to consider the heritage values of the property.</p> <p>8. Council has an important role as the Planning Authority under the <i>Planning and Environment Act 1987</i> to protect properties of heritage significance.</p> | |
| 21 | 22 James Street, Pakenham | Objection | <p>Pro forma Letter</p> <ol style="list-style-type: none"> 1. Lack of Council consultation 2. No justification for the amendment. 3. The use of my land will be detrimentally impacted upon. 4. Resale value of the property is impacted by the proposed heritage overlay 5. No statement of significance provided in Clause 43.01 of the Heritage Overlay 6. Applying a heritage overlay does not support the housing strategies on page 41 of the Pakenham Structure Plan (2017) 7. Point 10 of page 41 of the structure plan also states that Council seek to discourage developer covenants that restrict the diversity of housing in residential areas. 8. Objects to the amendment. | <ol style="list-style-type: none"> 1. Residents were consulted during the exhibition of <i>Structure Plan</i> in May to June 2016 for Amendment C211 and submissions from the public were sought. Action 82 from the Structure Plan seeks a review of heritage properties in Pakenham, resulting in this amendment. The exhibition and notification of Amendment C242 is the initial step in the Amendment process. 2. Amendment C242 reviewed the Heritage Study 2013 and implements the recommendations from the Heritage Report 2018. 3. The application of the Heritage Overlay does not affect the uses of the land, the use is determined by the zone. Personal disadvantage as a result of the heritage listing including costs of repair of a building in poor condition, a desire to demolish and rebuild are not issues that are relevant to historic significance and remain outside the proper scope for consideration in relation to the matter of whether a Heritage Overlay should be applied. As stated by the Whitehorse C140 Panel Report: <i>'Panels have consistently held that whenever there may be competing objectives relating to heritage and other matters, the time to resolve them is not when the Heritage Overlay is applied but when a decision must be made under the Heritage Overlay or some other planning scheme provision. The only issue of relevance in deciding whether to apply the Heritage Overlay is whether the place has heritage significance.'</i> Heritage grants are available to property owners affected. 4. Decreased property values have also been dealt with by a number of Panels and have been the subject of research over many years. There is no hard evidence that the overlay will have a significant impact on future property sales or on property values. In any event, | <p>Submission noted.</p> <p>No change to amendment.</p> <p>Refer submission to a panel.</p> |

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| | | | | <p>the impact of changes to planning controls on individual property values is not a relevant matter in the assessment of those controls.</p> <ol style="list-style-type: none"> 5. The statement of significance for each property/precinct is provided in the citations in the Heritage Review 2018. Recent planning changes undertaken by the Minister for Planning will implement the statement of significance into the Schedule to Heritage Overlay at Clause 43.01 over the next 1-3 years, which recognises that there is a need for the citations to be more accessible. 6. The Structure Plan looks at various components within the Activity Centre, including promoting housing density, diversity and affordability. It also specifies the importance of preserving heritage buildings in the activity centre. Section 5.4.1 of the Structure Plan details sites that warrant further investigations to facilitate their protection via the heritage overlay. Nevertheless, redevelopment opportunities would exist in the proposed heritage areas. 7. Point 10 on page 41 of the Structure Plan, Council is committed to ensuring diversity of housing and discouraging developer covenants which restrict things such as the number of dwellings on a block or the materials used to build dwellings. The inclusion of a heritage overlay is not considered a restrictive covenant and does not imply that a certain type of development is not allowed on the site on which the overlay covers. Intensification of a site that has a heritage overlay is achievable, but is required to consider the heritage values of the property. 8. Council has an important role as the Planning Authority under the <i>Planning and Environment Act 1987</i> to protect properties of heritage significance. | |
| 22 | <p>Trevor main Property Group</p> <p>39 Main Street, Pakenham</p> | Objection | <ol style="list-style-type: none"> 1. Requests the removal of 39 Main Street, Pakenham from Amendment C242 2. Inclusion is unjustified. 3. Future redevelopment opportunities are diminished | <ol style="list-style-type: none"> 1. Council has an important role as the Planning Authority under the <i>Planning and Environment Act 1987</i> to protect properties of heritage significance. 2. The house was identified in the Heritage Study 2013 and the Heritage Review 2018 for its high degree of intactness with features characteristic of a specifically designed corner bungalow and original woven wire fence. | <p>Submission noted.</p> <p>No change to amendment.</p> <p>Refer submission to a panel.</p> |

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| | | | <ol style="list-style-type: none"> 4. Applying the heritage overlay does not support the objectives and strategies of the Pakenham Structure Plan (2017). 5. The application of the heritage overlay does not provide an acceptable balance between the potential for intensification of development on land within an activity centre and preservation of heritage buildings. | <ol style="list-style-type: none"> 3. The Heritage overlay does not prevent the opportunity for redevelopment and the Stonnington C117 & 118 Panel report, May 2011 states, <i>'The Heritage Overlay does not prevent redevelopment, including restoration and additions. New development visible from the street should be designed in a manner sympathetic to the character of the significant fabric or in an understated modern manner in complementary form and materials.'</i> When there is a situation of competing controls, the controls will be considered and balanced on a case by case basis at the planning permit stage. Heritage overlay controls applied to strip shopping centres such as Chapel Street, Prahran / South Yarra and Smith Street, Fitzroy / Collingwood have protected of heritage buildings and ensured the on-going development of those centres. 4. The <i>Structure Plan</i> aims to balance the need for higher density housing and protect/preserve heritage development. As is stated in Strategy 9 on page 41 and as per page 94 of the Structure Plan, the objective is to "Preserve precincts, places and buildings of historical and architectural significance to retain built and cultural heritage in the Pakenham Activity Centre." 5. The Structure Plan looks at various components within the Activity Centre, including promoting housing density, diversity and affordability. It also specifies the importance of preserving heritage buildings in the activity centre. Section 5.4.1 of the Structure Plan details sites that warrant further investigations to facilitate their protection via the heritage overlay. Nevertheless, redevelopment opportunities would exist in the proposed heritage areas. | |
| 23 | 26 James Street, Pakenham | Objection | <p>Pro forma Letter</p> <ol style="list-style-type: none"> 1. Lack of Council consultation 2. No justification for the amendment. 3. The use of my land will be detrimentally impacted upon. | <ol style="list-style-type: none"> 1. Residents were consulted during the exhibition of <i>Structure Plan</i> in May to June 2016 for Amendment C211 and submissions from the public were sought. Action 82 from the Structure Plan seeks a review of heritage properties in Pakenham, resulting in this amendment. The exhibition and notification of Amendment C242 is the initial step in the Amendment process. | <p>Submission noted.</p> <p>No change to amendment.</p> <p>Refer submission to a panel.</p> |

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| | | | <ol style="list-style-type: none"> 4. Resale value of the property is impacted by the proposed heritage overlay 5. No statement of significance provided in Clause 43.01 of the Heritage Overlay 6. Applying a heritage overlay does not support the housing strategies on page 41 of the Pakenham Structure Plan (2017) 7. Point 10 of page 41 of the structure plan also states that Council seek to discourage developer covenants that restrict the diversity of housing in residential areas. 8. Objects to the amendment. | <ol style="list-style-type: none"> 2. Amendment C242 reviewed the Heritage Study 2013 and implements the recommendations from the Heritage Report 2018. 3. The application of the Heritage Overlay does not affect the uses of the land, the use is determined by the zone. Personal disadvantage as a result of the heritage listing including costs of repair of a building in poor condition, a desire to demolish and rebuild are not issues that are relevant to historic significance and remain outside the proper scope for consideration in relation to the matter of whether a Heritage Overlay should be applied. As stated by the Whitehorse C140 Panel Report: <i>'Panels have consistently held that whenever there may be competing objectives relating to heritage and other matters, the time to resolve them is not when the Heritage Overlay is applied but when a decision must be made under the Heritage Overlay or some other planning scheme provision. The only issue of relevance in deciding whether to apply the Heritage Overlay is whether the place has heritage significance.'</i> Heritage grants are available to property owners affected. 4. Decreased property values have also been dealt with by a number of Panels and have been the subject of research over many years. There is no hard evidence that the overlay will have a significant impact on future property sales or on property values. In any event, the impact of changes to planning controls on individual property values is not a relevant matter in the assessment of those controls. 5. The statement of significance for each property/precinct is provided in the citations in the Heritage Review 2018. Recent planning changes undertaken by the Minister for Planning will implement the statement of significance into the Schedule to Heritage Overlay at Clause 43.01 over the next 1-3 years, which recognises that there is a need for the citations to be more accessible. 6. The Structure Plan looks at various components within the Activity Centre, including promoting housing density, diversity and affordability. It also specifies the importance of preserving heritage buildings in the activity centre. Section 5.4.1 of the Structure Plan details sites that warrant further investigations to facilitate their | |

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| | | | | <p>protection via the heritage overlay. Nevertheless, redevelopment opportunities would exist in the proposed heritage areas.</p> <p>7. Point 10 on page 41 of the Structure Plan, Council is committed to ensuring diversity of housing and discouraging developer covenants which restrict things such as the number of dwellings on a block or the materials used to build dwellings. The inclusion of a heritage overlay is not considered a restrictive covenant and does not imply that a certain type of development is not allowed on the site on which the overlay covers. Intensification of a site that has a heritage overlay is achievable, but is required to consider the heritage values of the property.</p> <p>8. Council has an important role as the Planning Authority under the <i>Planning and Environment Act 1987</i> to protect properties of heritage significance.</p> | |
| 24 | 21 James Street, Pakenham | Objection | <ol style="list-style-type: none"> 1. Objects to planning scheme amendment C242. 2. Questions the potential heritage value of some of the proposed sites as "heritage sites are new unit sites and some older unit site which have no heritage value whatsoever". 3. Future redevelopment opportunities are diminished. 4. Resale value of the property is impacted by the proposed heritage overlay. 5. Applying the heritage overlay does not support the objectives and strategies of the <i>Pakenham Structure Plan (2017)</i>. | <ol style="list-style-type: none"> 1. Council has an important role as the Planning Authority under the <i>Planning and Environment Act 1987</i> to protect properties of heritage significance. 2. A building which has no heritage significance and may also be a relatively new building is termed a 'non-contributory building'. If a non-contributory building was to be redeveloped or demolished and replaced, there are specific performance standards that must be met and you must ensure consideration of the statement of significance for the heritage precinct. 3. Personal disadvantage as a result of the heritage listing including costs of repair of a building in poor condition, a desire to demolish and rebuild are not issues that are relevant to historic significance and remain outside the proper scope for consideration in relation to the matter of whether a Heritage Overlay should be applied. As stated by the Whitehorse C140 Panel Report: <i>'Panels have consistently held that whenever there may be competing objectives relating to heritage and other matters, the time to resolve them is not when the Heritage Overlay is applied but when a decision must be made under the Heritage Overlay or some other planning scheme provision. The only issue of relevance in</i> | <p>Submission noted.</p> <p>No change to amendment.</p> <p>Refer submission to a panel.</p> |

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| | | | <ol style="list-style-type: none"> 6. The proposed heritage overlay is in conflict with the support for higher density development. 7. Stifles redevelopment of the Pakenham activity centre. | <p><i>deciding whether to apply the Heritage Overlay is whether the place has heritage significance.</i> Heritage grants are available to property owners.</p> <ol style="list-style-type: none"> 4. The Structure Plan aims to balance the need for higher density housing and protect/preserve heritage development. As is stated in Strategy 9 on page 41 and as per page 94 of the Structure Plan, the objective is to "Preserve precincts, places and buildings of historical and architectural significance to retain built and cultural heritage in the Pakenham Activity Centre." 5. The Structure Plan looks at various components within the Activity Centre, including promoting housing density, diversity and affordability. It also specifies the importance of preserving heritage buildings in the activity centre. Section 5.4.1 of the Structure Plan details sites that warrant further investigations to facilitate their protection via the heritage overlay. Nevertheless, redevelopment opportunities would exist in the proposed heritage areas. 6. See Comment 5. 7. Heritage buildings offer a unique character that make a contribution to the streetscape, create unique shopping strips and vibrant town centres with a clear identity. | |
| 25 | 19A Henry Street, Pakenham | Objection | <ol style="list-style-type: none"> 1. Panel commenced 4th of February 2018. 2. Significant internal changes to the building are not congruent to the façade. Modifications have changed the character of the internals of the dwelling from its original form. 3. The proposed heritage property at 18a Henry Street, Pakenham is not in keeping with the current neighbourhood character due to significant changes to residential and | <ol style="list-style-type: none"> 1. A proposed Planning Panel Date has been appointed for 4 February 2019. 2. The proposed Heritage Overlay does not seek to apply internal heritage controls. Therefore, any internal modifications are acceptable. A planning permit is not required to carry out routine maintenance and repairs which do not change the appearance of the heritage place. A planning permit is required if the maintenance changes any material or heritage elements or as identified at Schedule to Clause 43.01 in the Cardinia Planning Scheme. 3. Development of heritage places within Major Activity Centres, whether they are individually 'significant', or 'contributory' or 'non-contributory' places within precinct, will need to respond to a range of policy considerations. This occurs as part of the consideration of individual planning permit application and is not a reason for | <p>Submission noted.</p> <p>No change to amendment.</p> <p>Refer submission to a panel.</p> |

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| | | | <p>commercial properties within the area.</p> <p>4. Applying a heritage overlay does not support the housing strategies on page 41 of the Pakenham Structure Plan (2017).</p> <p>5. Severe deterioration of the property. Maintenance and remedial costs are likely to be significant.</p> <p>6. The application of the proposed heritage overlay has no justification or statement of significance.</p> <p>7. Questions the significance of 18a Henry Street in comparison to dwellings on Slattery place and Racecourse Road, Pakenham.</p> <p>8. Request removal of 18a Henry Street, Pakenham from Amendment C242.</p> <p>Linked with submission 17.</p> | <p>seeking to limit the application of the Heritage Overlay. Additionally, the objective on page 94 of the Structure Plan is to <i>"Preserve precincts, places and buildings of historical and architectural significance to retain built and cultural heritage in the Pakenham Activity Centre."</i></p> <p>4. The Structure Plan looks at various components within the Activity Centre, including promoting housing density, diversity and affordability. It also specifies the importance of preserving heritage buildings in the activity centre. Section 5.4.1 of the Structure Plan details sites that warrant further investigations to facilitate their protection via the heritage overlay. Nevertheless, redevelopment opportunities would exist in the proposed heritage areas.</p> <p>5. Personal disadvantage as a result of the heritage listing including costs of repair of a building in poor condition, a desire to demolish and rebuild are not issues that are relevant to historic significance and remain outside the proper scope for consideration in relation to the matter of whether a Heritage Overlay should be applied. As stated by the Whitehorse C140 Panel Report: <i>'Panels have consistently held that whenever there may be competing objectives relating to heritage and other matters, the time to resolve them is not when the Heritage Overlay is applied but when a decision must be made under the Heritage Overlay or some other planning scheme provision. The only issue of relevance in deciding whether to apply the Heritage Overlay is whether the place has heritage significance. Heritage grants are available to property owners.'</i></p> <p>6. & 7. The Statement of Significance and citation for the property is provided in the Heritage Review 2018. 18A Henry Street is a historically significant home and one of the oldest surviving houses within Pakenham, thought to date from c. 1905. The only other house of comparable construction date at 40 Slattery Place is more altered, and is not considered by this study as significant to warrant heritage protection.</p> | |

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| | | | | 8. Council has an important role as the Planning Authority under the <i>Planning and Environment Act 1987</i> to protect properties of heritage significance. | |
| 26 | ARG Planning St James Precinct, Dame Pattie Avenue | Objection | <ol style="list-style-type: none"> 1. Requests the removal of "St James Village" precinct in Dame Pattie Avenue. 2. The houses along Dame Pattie Avenue are approaching their end of economic life at 60 years of age. 3. Housing stock has poor internal amenity and only 2 of the 18 units are occupied as of 2006. 4. Limits the future redevelopment potential of the land to enhance and expand a number of its existing aged care facilities. 5. This is contrary to policies of the Cardinia Municipal Strategic Statement, most notable Clause 21.03-1 (housing) which identifies the need to "recognising the demand for specialist design housing for the aged, people with a disability or mobility issue". 6. The application of the heritage overlay does not satisfy the "net community benefit" test. 7. Not worthy of inclusion in the Heritage Overlay having regard for the Assessment Criteria that | <ol style="list-style-type: none"> 1. Council has an important role as the Planning Authority under the <i>Planning and Environment Act 1987</i> to protect properties of heritage significance. 2. Noted. 3. Noted. 4. The Heritage overlay does not prevent the opportunity for redevelopment and the Stonnington C117 & 118 Panel report, May 2011 states, '<i>The Heritage Overlay does not prevent redevelopment, including restoration and additions. New development visible from the street should be designed in a manner sympathetic to the character of the significant fabric or in an understated modern manner in complementary form and materials.</i>' When there is a situation of competing controls, the controls will be considered and balanced on a case by case basis at the planning permit stage. Heritage overlay controls applied to strip shopping centres such as Chapel Street, Prahran / South Yarra and Smith Street, Fitzroy / Collingwood have protected of heritage buildings and ensured the on-going development of those centres. 5. The Cardinia Municipal Strategic Statement in Clause 21.02-6 (Post-contact heritage) also identifies the need "to provide for the protection and appropriate management of sites of heritage significance". Including the "encouragement and support the reuse of existing heritage places for appropriate land uses." 6. The needs nexus argument is not justified due to the precinct's ability to support other uses. The use of these facilities is not limited to only providing aged care. Other options can be explored. 7. The inclusion of this precinct in the Amendment was as per the review of the Heritage Study 2013 which resulted in recommendations from the Heritage Review 2018. The St James Estate is historically significant as an example of the early stage of provision of independent living accommodation for the elderly in | <p>Submission noted.</p> <p>No change to amendment.</p> <p>Refer submission to a panel.</p> |

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| | | | <p>is set out in the Statement of Significance.(Refer Pakenham Structure Plans Heritage Study 2013)</p> <p>8. Intent to present at a future panel hearing.</p> | <p>Victoria, and for its association with the Anglican Church in Pakenham.</p> <p>8. Noted.</p> | |
| 27 | Berwick Pakenham Historical Society | Support | <p>1. Support Council's proposed heritage amendment C242.</p> <p>2. Submission states that "<i>any party who did not want their property included should be able to opt out</i>".</p> | <p>1. Acknowledged.</p> <p>2. Any one opposing the proposed Amendment and the application of the heritage overlay has their right to be heard in front of the Victorian Planning Panel to debate the merits of their heritage property.</p> | <p>Supportive Submission.</p> <p>No action required.</p> |
| 28 | 10 Henty Street Pakenham | Objection | <p>Pro forma Letter</p> <p>1. Future redevelopment opportunity is diminished</p> <p>2. Lack of Council consultation</p> <p>3. No justification for the amendment.</p> <p>4. The use of my land will be detrimentally impacted upon.</p> <p>5. Resale value of the property is impacted by the proposed heritage overlay</p> <p>6. No statement of significance provided in Clause 43.01 of the Heritage Overlay</p> <p>7. Applying a heritage overlay does not support the housing strategies on page 41 of the Pakenham Structure Plan (2017)</p> <p>8. Point 10 of page 41 of the structure plan also states that</p> | <p>1. The Heritage overlay does not prevent the opportunity for redevelopment and the Stonnington C117 & 118 Panel report, May 2011 states, '<i>The Heritage Overlay does not prevent redevelopment, including restoration and additions. New development visible from the street should be designed in a manner sympathetic to the character of the significant fabric or in an understated modern manner in complementary form and materials.</i>' When there is a situation of competing controls, the controls will be considered and balanced on a case by case basis at the planning permit stage.</p> <p>Heritage overlay controls applied to strip shopping centres such as Chapel Street, Prahran / South Yarra and Smith Street, Fitzroy / Collingwood have protected of heritage buildings and ensured the on-going development of those centres.</p> <p>2. Residents were consulted during the exhibition of <i>Structure Plan</i> in May to June 2016 for Amendment C211 and submissions from the public were sought. Action 82 from the Structure Plan seeks a review of heritage properties in Pakenham, resulting in this amendment. The exhibition and notification of Amendment C242 is the initial step in the Amendment process.</p> | <p>Submission noted.</p> <p>No change to amendment.</p> <p>Refer submission to a panel.</p> |

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|-------|--------------------------|----------|--|--|----------------------------------|
| | | | <p>Council seek to discourage developer covenants that restrict the diversity of housing in residential areas.</p> <p>9. Objects to the amendment.</p> | <p>3. Amendment C242 reviewed the Heritage Study 2013 and implements the recommendations from the Heritage Report 2018.</p> <p>4. The application of the HO does not affect the uses of the land, the use is determined by the zone. Personal disadvantage as a result of the heritage listing including costs of repair of a building in poor condition, a desire to demolish and rebuild are not issues that are relevant to historic significance and remain outside the proper scope for consideration in relation to the matter of whether a Heritage Overlay should be applied. As stated by the Whitehorse C140 Panel Report: <i>'Panels have consistently held that whenever there may be competing objectives relating to heritage and other matters, the time to resolve them is not when the Heritage Overlay is applied but when a decision must be made under the Heritage Overlay or some other planning scheme provision. The only issue of relevance in deciding whether to apply the Heritage Overlay is whether the place has heritage significance.'</i> Heritage grants are available to property owners.</p> <p>5. Decreased property values have also been dealt with by a number of Panels and have been the subject of research over many years. There is no hard evidence that the overlay will have a significant impact on future property sales or on property values. In any event, the impact of changes to planning controls on individual property values is not a relevant matter in the assessment of those controls.</p> <p>6. The statement of significance for each property/precinct is provided in the citations in the Heritage Review 2018. Recent planning changes undertaken by the Minister for Planning will implement the statement of significance into the Schedule to Heritage Overlay at Clause 43.01 over the next 1-3 years, which recognises that there is a need for the citations to be more accessible.</p> <p>7. The Structure Plan looks at various components within the Activity Centre, including promoting housing density, diversity and affordability. It also specifies the importance of preserving heritage buildings in the activity centre. Section 5.4.1 of the Structure Plan details sites that warrant further investigations to facilitate their</p> | |

| Sub # | Address/ Organisation | Position | Submission Summary | Council Officer Response | Recommendation for Panel Hearing |
|-------|-----------------------------|-----------|---|--|---|
| | | | | <p>protection via the heritage overlay. Nevertheless, redevelopment opportunities would exist in the proposed heritage areas.</p> <p>8. Point 10 on page 41 of the Structure Plan, Council is committed to ensuring diversity of housing and discouraging developer covenants which restrict things such as the number of dwellings on a block or the materials used to build dwellings. The inclusion of a heritage overlay is not considered a restrictive covenant and does not imply that a certain type of development is not allowed on the site on which the overlay covers. Intensification of a site that has a heritage overlay is achievable, but is required to consider the heritage values of the property.</p> <p>9. Council has an important role as the Planning Authority under the <i>Planning and Environment Act 1987</i> to protect properties of heritage significance.</p> | |
| 29 | 21 James Street Pakenham | Objection | <ol style="list-style-type: none"> 1. Does not agree with the proposed Heritage Overlay. 2. The application of the proposed heritage overlay has no justification or statement of significance. 3. Questions the heritage value of some sites (i.e. unit developments and new houses). 4. Lack of Council consultation. 5. Applying the heritage overlay does not support the objectives and strategies of the Pakenham Structure Plan (2017). 6. Questions the rational for the proposed planning scheme Amendment C242. | <ol style="list-style-type: none"> 1. Council has an important role as the Planning Authority under the <i>Planning and Environment Act 1987</i> to protect properties of heritage significance. 2. Amendment C242 reviewed the Heritage Study 2013 and implements the recommendations from the Heritage Report 2018. The statement of significance for each property/precinct is provided in the citations in the Heritage Review 2018. Recent planning changes undertaken by the Minister for Planning will implement the statement of significance into the Schedule to Heritage Overlay at Clause 43.01 over the next 1-3 years, which recognises that there is a need for the citations to be more accessible. 3. A building which has no heritage significance and may also be a relatively new building is termed a 'non-contributory building'. If a non-contributory building was to be redeveloped or demolished and replaced (which is allowed), there are specific performance standards that must be met and redevelopment of the site must ensure the consideration of the statement of significance for the heritage precinct. 4. Residents were consulted during the exhibition of <i>Structure Plan</i> in May to June 2016 for Amendment C211 and submissions from the | <p>Submission noted.</p> <p>No change to amendment.</p> <p>Refer submission to a panel.</p> |

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| | | | <p>7. C242 will result in a significant adverse effect for the property at 21 James Street, Pakenham without noticeable benefit.</p> <p>Linked to Submission 24 & 30 (same affected property).</p> | <p>public were sought. Action 82 from the Structure Plan seeks a review of heritage properties in Pakenham, resulting in this amendment. The exhibition and notification of Amendment C242 is the initial step in the Amendment process.</p> <p>5. The Structure Plan looks at various components within the Activity Centre, including promoting housing density, diversity and affordability. It also specifies the importance of preserving heritage buildings in the activity centre. Section 5.4.1 of the Structure Plan details sites that warrant further investigations to facilitate their protection via the heritage overlay. Nevertheless, redevelopment opportunities would exist in the proposed heritage areas.</p> <p>6. Please see Comment 4.</p> <p>7. 21 James Street, Pakenham has an existing heritage overlay as H0228, which is to remain. The Heritage Review 2018 identified properties in James Street have been identified as also having heritage value. As a group these properties provide similar visual cohesiveness that form a precinct, 21 James Street is one of these properties.</p> | |
| 30 | 21 James Street Pakenham | Objection | <ol style="list-style-type: none"> 1. Council should allow redevelopment of the Pakenham Activity Centre to assist with altering the neighbourhood character and support economic development. 2. Requests 21 James street, Pakenham to be deleted from the Amendment and precinct 3. Future redevelopment opportunities are diminished 4. Maintenance and remedial costs are likely to be significant 5. Requests all heritage controls to be removed | <ol style="list-style-type: none"> 1. The Heritage overlay does not prevent the opportunity for redevelopment and the Stonnington C117 & 118 Panel report, May 2011 states, <i>'The Heritage Overlay does not prevent redevelopment, including restoration and additions. New development visible from the street should be designed in a manner sympathetic to the character of the significant fabric or in an understated modern manner in complementary form and materials.'</i> When there is a situation of competing controls, the controls will be considered and balanced on a case by case basis at the planning permit stage. Heritage overlay controls applied to strip shopping centres such as Chapel Street, Prahran / South Yarra and Smith Street, Fitzroy / Collingwood have protected of heritage buildings and ensured the on-going development of those centres. 2. 21 James Street, Pakenham has an existing heritage overlay H0228, which is to remain. The Heritage Review 2018 identified | <p>Submission noted.</p> <p>No change to amendment.</p> <p>Refer submission to a panel.</p> |

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| | | | <p>6. The proposed heritage overlay will cause demolition by neglect among property owners.</p> <p>Linked to Submission 24 & 29 (same address).</p> | <p>additional properties in James Street as also having heritage value. As a group these properties provide similar visual cohesiveness that form a precinct, 21 James Street is one of these properties.</p> <p>3. See Comment 1.</p> <p>4. Personal disadvantage as a result of the heritage listing including costs of repair of a building in poor condition, a desire to demolish and rebuild are not issues that are relevant to historic significance and remain outside the proper scope for consideration in relation to the matter of whether a Heritage Overlay should be applied. As stated by the Whitehorse C140 Panel Report: <i>'Panels have consistently held that whenever there may be competing objectives relating to heritage and other matters, the time to resolve them is not when the Heritage Overlay is applied but when a decision must be made under the Heritage Overlay or some other planning scheme provision. The only issue of relevance in deciding whether to apply the Heritage Overlay is whether the place has heritage significance.'</i> Heritage grants are available to property owners.</p> <p>5. Noted. Council has an important role as the Planning Authority under the <i>Planning and Environment Act 1987</i> to protect properties of heritage significance.</p> <p>6. The building is of heritage significance and the condition of the building is not a factor in this determination. A building report at planning permit application would be required to prove that the structure is compromised.</p> | |
| 31 | Victorian Branch Returned and Services League | Objection | <p>1. The application of the heritage overlay is an imposition and "unfair and restricts the fluidity of title transfer".</p> <p>2. The application of the heritage overlay increases the uncertainty, the costs of future development and planning permit applications.</p> | <p>1. Proposed Amendment C242 and heritage overlay does not restrict title transfer.</p> <p>2. The Heritage overlay does not prevent the opportunity for redevelopment and the Stonnington C117 & 118 Panel report, May 2011 states, <i>'The Heritage Overlay does not prevent redevelopment, including restoration and additions. New development visible from the street should be designed in a manner sympathetic to the character of the significant fabric or in an understated modern manner in complementary form and materials.'</i></p> | <p>Submission noted.</p> <p>No change to amendment.</p> <p>Refer submission to a panel.</p> |

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| | 1 Snodgrass Street, Pakenham | | <p>3. Resale value of the property is impacted by the proposed heritage overlay.</p> <p>4. This amendment may result in relocation of the Pakenham RSL sub-branch.</p> <p>5. Objects to the application of the heritage overlay and requests the site be removed from the amendment.</p> <p>6. Disagrees with the heritage classification and statement of significance.</p> <p>Linked to submission 19 (same organisation)</p> | <p>When there is a situation of competing controls, the controls will be considered and balanced on a case by case basis at the planning permit stage.</p> <p>Heritage overlay controls applied to strip shopping centres such as Chapel Street, Prahran / South Yarra and Smith Street, Fitzroy / Collingwood have protected of heritage buildings and ensured the on-going development of those centres.</p> <p>3. Decreased property values have also been dealt with by a number of Panels and have been the subject of research over many years. There is no hard evidence that the overlay will have a significant impact on future property sales or on property values. In any event, the impact of changes to planning controls on individual property values is not a relevant matter in the assessment of those controls.</p> <p>4. Future decisions of the owner or uses of the land do not impact the application of the HO as a planning control.</p> <p>5. Council has an important role as the Planning Authority under the <i>Planning and Environment Act 1987</i> to protect properties of heritage significance.</p> <p>6. The Heritage Review 2018 states that the James Street precinct predominantly contains houses from the post-war period, which includes the RSL Hall at 1 Snodgrass Street, Pakenham.</p> | |
| 32 | Pakenham Girls Guide 31-33 Henry Street, Pakenham | Support | <p>1. Request the Pakenham Girl Guide Hall at 31-33 Henry Street, Pakenham be included into planning scheme amendment C242.</p> <p>2. Request is consistent with the recommendations of the Pakenham Structure Plan Heritage Review David Helms (February 2018).</p> <p>3. Group of trustees unanimously decided at a meeting on the 11/9/18 that the preservation</p> | <p>1. Agree. Support the inclusion of this property in the Planning Scheme Amendment as per the recommendation in the <i>Pakenham Structure Plan Heritage Review, David Helms Heritage Planning February 2018 (revised July 2018)</i>.</p> <p>2. Update the amendment documents to include the Pakenham Girls Guide property at 31-33 Henry Street Pakenham into C242 or future 20(4) amendment.</p> <p>3. Noted.</p> | <p>Agree.</p> <p>Changes will be made accordingly.</p> <p>Refer submission to a Panel.</p> |

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| | | | of the hall is vital to the community. | | |

| Property Address | Related Submission No. |
|--|-------------------------------|
| 39 Main Street Pakenham | 22 |
| 84 Main Street Pakenham | 7 |
| 90-92 Main Street Pakenham | 12, 15 |
| 18A Henry Street Pakenham | 1, 17, 25 |
| 49 James Street Pakenham | 14 |
| 1-7 Station Street Pakenham | 6 |
| 5/19 Rogers Street Pakenham | 16 |
| St James' Village Precinct, Dame Pattie Avenue | 26 |
| 3 Henty Street Pakenham, Henty Street Precinct | 20 |
| 10 Henty Street Pakenham, Henty Street Precinct | 28 |
| 1 Snodgrass Street Pakenham, James Street Precinct | 19, 31 |
| 11 James Street Pakenham, James Street Precinct | 10, 13 |
| 13 James Street Pakenham, James Street Precinct | 11 |
| 14 James Street Pakenham, James Street Precinct | 3 |
| 17 James Street Pakenham, James Street Precinct | 9 |
| 20 James Street Pakenham, James Street Precinct | 4 |
| 21 James Street Pakenham, James Street Precinct H0228 | 18, 24, 29, 30 |
| 22 James Street Pakenham, James Street Precinct | 21 |
| 26 James Street Pakenham, James Street Precinct | 23 |
| All properties in Amendment C242 | 2, 5, 8, 27 |
| 31-33 Henry Street Pakenham, Pakenham Girls Guide | 32 |