Planning Panels Victoria

Wyndham Planning Scheme Amendment C270wynd

Wyndham Heritage Review Stage 2

Panel Report

Planning and Environment Act 1987

6 July 2026

VICTORIA State Government

How will this report be used?

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

The planning authority must consider this report before deciding whether to adopt the Amendment. [section 27(1) of the *Planning and Environment Act 1987* (the PE Act)]

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

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

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

Planning Panels Victoria acknowledges the Wurundjeri Woi Wurrung People as the traditional custodians of the land on which our office is located. We pay our respects to their Elders past and present.

Planning and Environment Act 1987

Panel Report pursuant to section 25 of the PE Act

Wyndham Planning Scheme Amendment C270wynd

Wyndham Heritage Review Stage 2

6 July 2026

Michael Ballock, Chair

Planning Panels Victoria

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Glossary and abbreviations

Comfort Care	Comfort Care and Community Services Pty Ltd
Council	Wyndham City Council
Gap Study	Wyndham Heritage Review (Gap Study) – Stage 1
Guidelines	Victorian Local Heritage Guidelines (May 2026)
Hercon	the National Heritage Convention in Canberra in August 1988
Heritage Review	Wyndham Heritage Review, Stage 2: Residential Places and Precincts
Inter-war	1918 to 1939
MPS	Municipal Planning Strategy
MSS	Municipal Strategic Statement
NRZ	Neighbourhood Residential Zone
PE Act	Planning and Environment Act 1987
Post-war	1945 to 1965
RGZ	Residential Growth Zone
TEH	Thematic Environmental History

Overview

Amendment summary	
The Amendment	Wyndham Planning Scheme Amendment C270wynd
Common name	Wyndham Heritage Review Stage 2
Brief description	The Amendment proposes to implement the findings of the *Wyndham Heritage Review, Stage 2 Residential Places and Precincts* 2025 by applying the Heritage Overlay to 15 individual places and one heritage precinct, introducing statements of significance, precinct heritage design guidelines and heritage permit exemptions as incorporated documents, introducing the *Wyndham Heritage Review, Stage 2 Residential Places and Precincts* 2025 as a background document and making associated mapping changes to the Wyndham Planning Scheme.
Subject land	Various properties in the City of Wyndham
Planning Authority	Wyndham City Council
Authorisation	By letter dated 17 June 2025
Exhibition	15 January to 15 February 2026
Submissions	Number of Submissions: 8 Opposed: 5

Panel process	
The Panel	Michael Ballock
Directions Hearing	Online, 1 May 2026
Panel Hearing	Planning Panels Victoria 3 and 4 June and online 5 June 2026
Site inspections	Unaccompanied, 26 June 2026
Parties to the Hearing	Wyndham City Council represented by Maria Marshall of Maddocks who called expert evidence on: - Heritage from Adam Mornement of Lovell Chen Charles Reichman who called expert evidence on: - Heritage from Dr Aron Paul of Urban History Leigh Atkins
Citation	Wyndham PSA C270wynd [2026] PPV
Date of this report	6July 2026

Executive summary

Wyndham Planning Scheme Amendment C270wynd seeks to implement the findings of the *Wyndham Heritage Review*, *Stage 2 Residential Places and Precincts* (Wyndham City Council, July 2025) by applying the Heritage Overlay to 15 individual places and one heritage precinct, introducing statements of significance, precinct heritage design guidelines and heritage permit exemptions as incorporated documents, introducing the Heritage Review as a background document and making associated mapping changes to the Wyndham Planning Scheme.

Key issues raised in submissions included:

- the regulatory and financial burden imposed by the application of the Heritage Overlay
- the potential impacts on competing strategic objectives such as housing and development
- concerns regarding amenity and heritage impacts of future development in the Werribee Activity Centre
- disagreement with Council's assessment of significance
- questions or concerns regarding exhibition and Panel processes
- compliance with the draft Local Heritage Criteria and Threshold Guidelines (DTP 2025)
- existing heritage protection under current planning legislation
- support for the protection of Aboriginal cultural heritage
- concerns regarding existing bushfire management controls
- suggestions for alternative ways of recognising heritage significance
- building condition.

The Panel concludes that the Amendment is well founded and strategically justified and that it should proceed. The Amendment is supported by and implements the Planning Policy Framework and the Municipal Planning Strategy, is consistent with the relevant Ministerial Directions and Practice Note 01: applying the Heritage Overlay and rests on the staged evidentiary base of the two stages of the Wyndham Heritage Review. The Panel is satisfied that the Amendment does not give rise to any genuine conflict with the housing and development objectives for Wyndham, including in the Werribee Activity Centre and that it delivers the net community benefit required by Clause 71.02-3.

Building condition, development opportunity, building alterations, maintenance, property value and financial implications are not relevant when assessing the heritage significance of an individual place or a precinct.

The Beamish and Gibbons Streets Residential Precinct has sufficient heritage significance to justify the application of the Heritage Overlay and the inclusion of the Beamish and Gibbons Streets Residential Precinct heritage design guidelines and permit exemptions in the Schedule to Clause 72.04, as exhibited, is appropriate.

The following houses have sufficient heritage significance to justify the application of the Heritage Overlay:

- 'La Paloma', 24 Market Road, Werribee (HO143)

- 57 Cottrell Street, Werribee (HO139)
- 13 Princes Highway, Werribee (HO144).

The Amendment proposed to apply the Heritage Overlay to houses at 60 and 80 You Yangs Road, Little River as part of one listing. The house at 80 You Yangs Road, Little River (HO151) has sufficient heritage significance to justify the application of the Heritage Overlay. However, 60 You Yangs Road, Little River does not have sufficient heritage significance to justify the application of the Heritage Overlay and the Statement of Significance and citation for 60 and 80 You Yangs Road, Little River (HO151) should be amended to remove 60 You Yangs Road, Little River.

Recommendations

Based on the reasons set out in this Report, the Panel recommends that Wyndham Planning Scheme Amendment C270wynd be adopted as exhibited subject to the following:

1. **Amend the Citation for 80 You Yangs Road, Little River as shown in Appendix B.**
2. **Amend the Statement of Significance for 80 You Yangs Road, Little River as shown in Appendix C.**
3. **Remove the Heritage Overlay (HO151) from 60 You Yangs Road, Little River.**

1 Introduction

1.1 The Amendment

(i) Amendment description

The purpose of Wyndham Planning Scheme Amendment C270wynd (the Amendment) is to implement the findings of the *Wyndham Heritage Review*, *Stage 2 Residential Places and Precincts* 2025 (Heritage Review) by applying the Heritage Overlay to 15 individual places and one heritage precinct, introducing statements of significance, precinct heritage design guidelines and heritage permit exemptions as incorporated documents, introducing the Heritage Review as a background document and making associated mapping changes to the Wyndham Planning Scheme.

The Amendment seeks to achieve the objectives of the State and Local Planning Policy Framework of the Wyndham Planning Scheme in recognising and protecting places of local heritage significance. The heritage places and precinct were reviewed and assessed against the recognised heritage criteria set out in Planning Practice Note 1: Applying the Heritage Overlay (PPN01).

Specifically, the Amendment proposes to:

- Amend the Schedule to Clause 43.01 (Heritage Overlay) to apply the Heritage Overlay to and introduce Statements of Significance for:
  - HO137 – 13 Anderson Street, Werribee
  - HO138 – 15 Anderson Street, Werribee
  - HO139 – 57 Cottrell Street, Werribee
  - HO140 – 1 Francis Street, Werribee
  - HO141 – 2 Galvin Road, Werribee
  - HO142 – 26 Geelong Road, Werribee
  - HO143 – 24 Market Road, Werribee
  - HO144 – 13 Princes Highway, Werribee
  - HO145 – 23 Princes Highway, Werribee
  - HO146 – 1 Purcell Court, Werribee
  - HO147 – 112 Wedge Street, Werribee
  - HO148 – 8 Wyndham Street, Werribee
  - HO149 – 46-62 Flinders Street, Little River
  - HO150 – 48 Manor Road, Little River
  - HO151 – 60 and 80 You Yangs Road, Little River.
- Amend the Schedule to Clause 43.01 (Heritage Overlay) to apply the Heritage Overlay to and introduce a Statement of Significance, heritage design guidelines and permit exemptions for one precinct: HO152 (Beamish and Gibbons Streets Residential Precinct).
- Amend the Schedule to Clause 72.04 (Incorporated Documents) by introducing sixteen (16) Statements of Significance and heritage design guidelines and permit exemptions for the Beamish and Gibbons Streets Residential Precinct (HO152).

- Amend the Schedule to Clause 72.08 (Background Documents) to include the Heritage Review, Volumes 1-4.
- Amend Planning Scheme Maps 15HO, 16HO, 20HO and 21HO to reflect the changes described above.

(ii) The subject land

The Amendment applies to land shown in Figures 1 to 4 and Table 2.

Figure 1 Location of the Heritage Overlay for HO139, HO143-145 and HO147-148

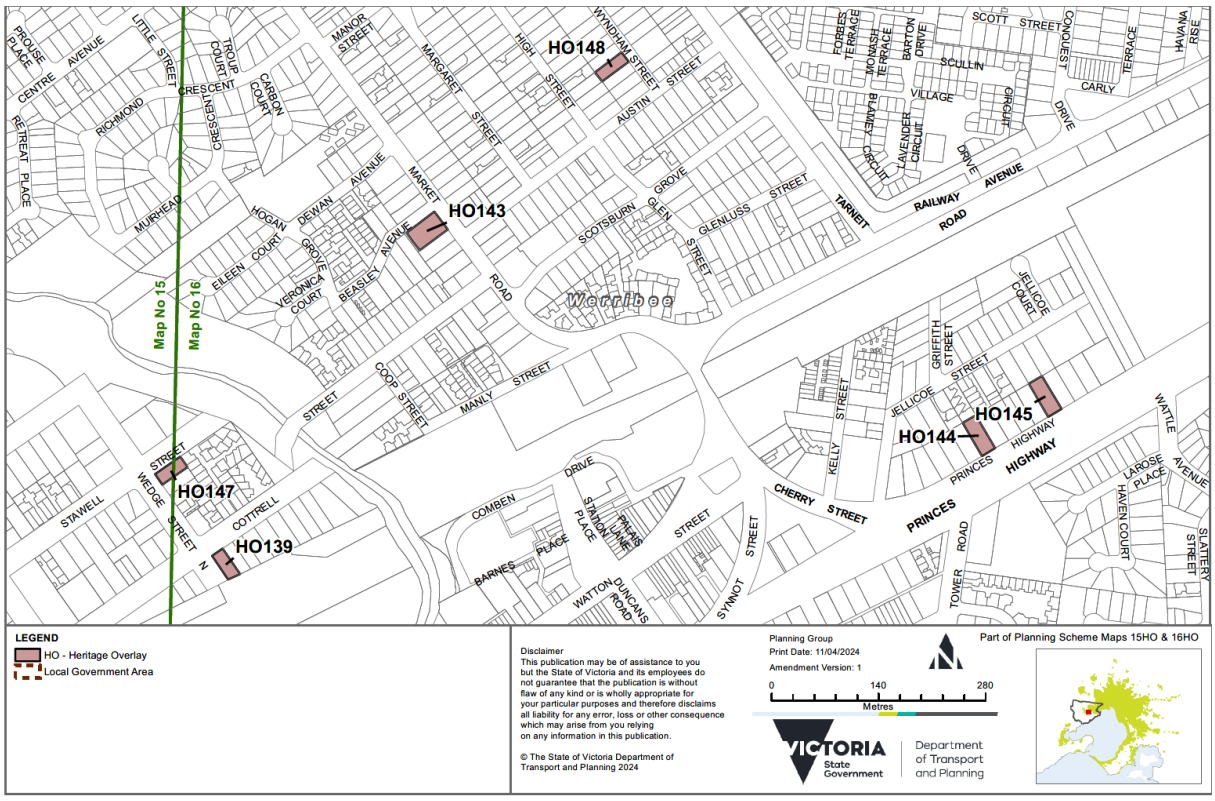

Figure 2 Location of the Heritage Overlay for HO137-138, HO140, HO146 and HO152

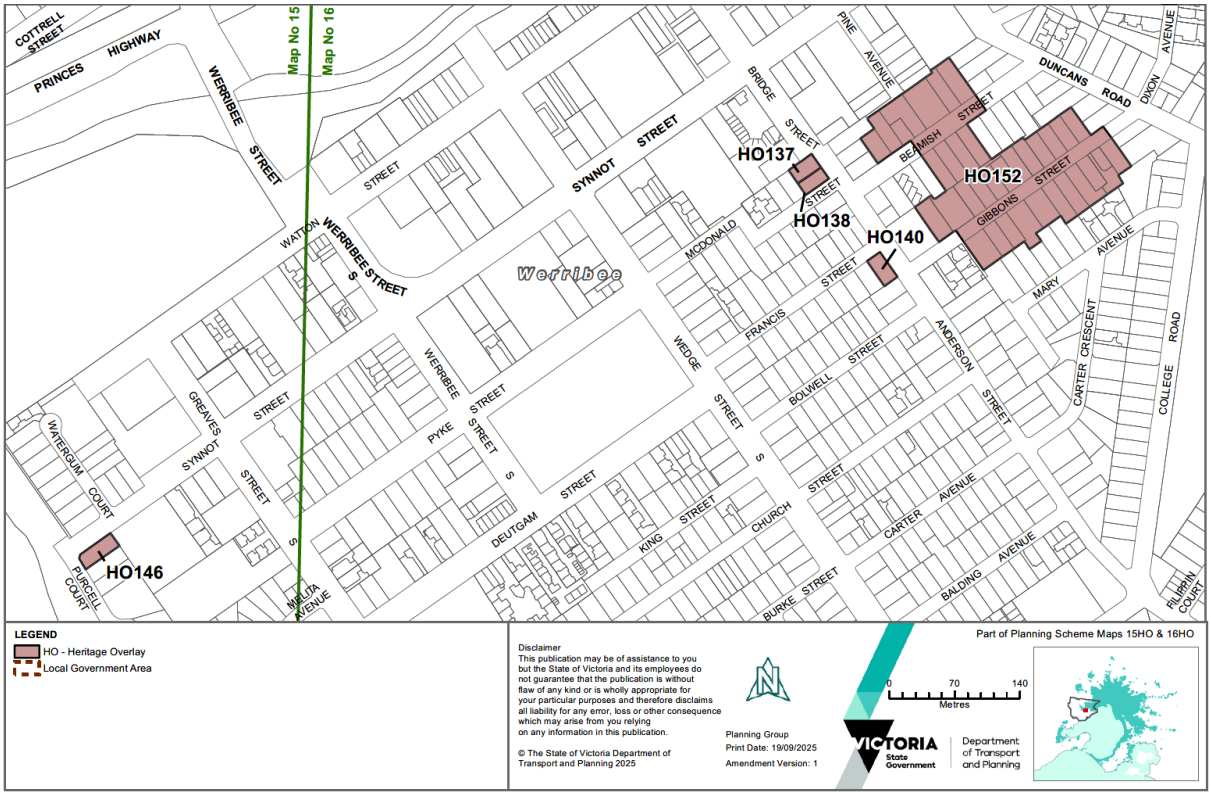

Figure 3 Location of the Heritage Overlay for HO141-142, HO149 and HO151

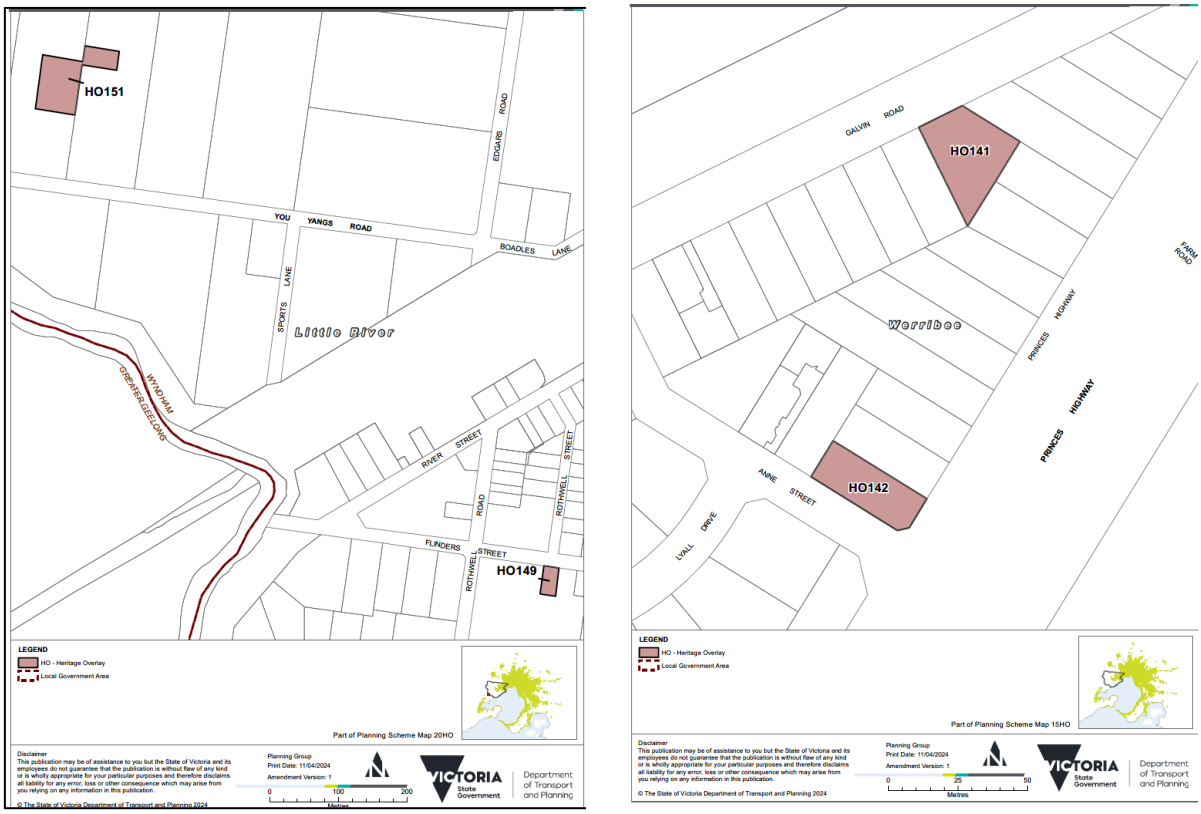

Figure 4 Location of the Heritage Overlay for HO150

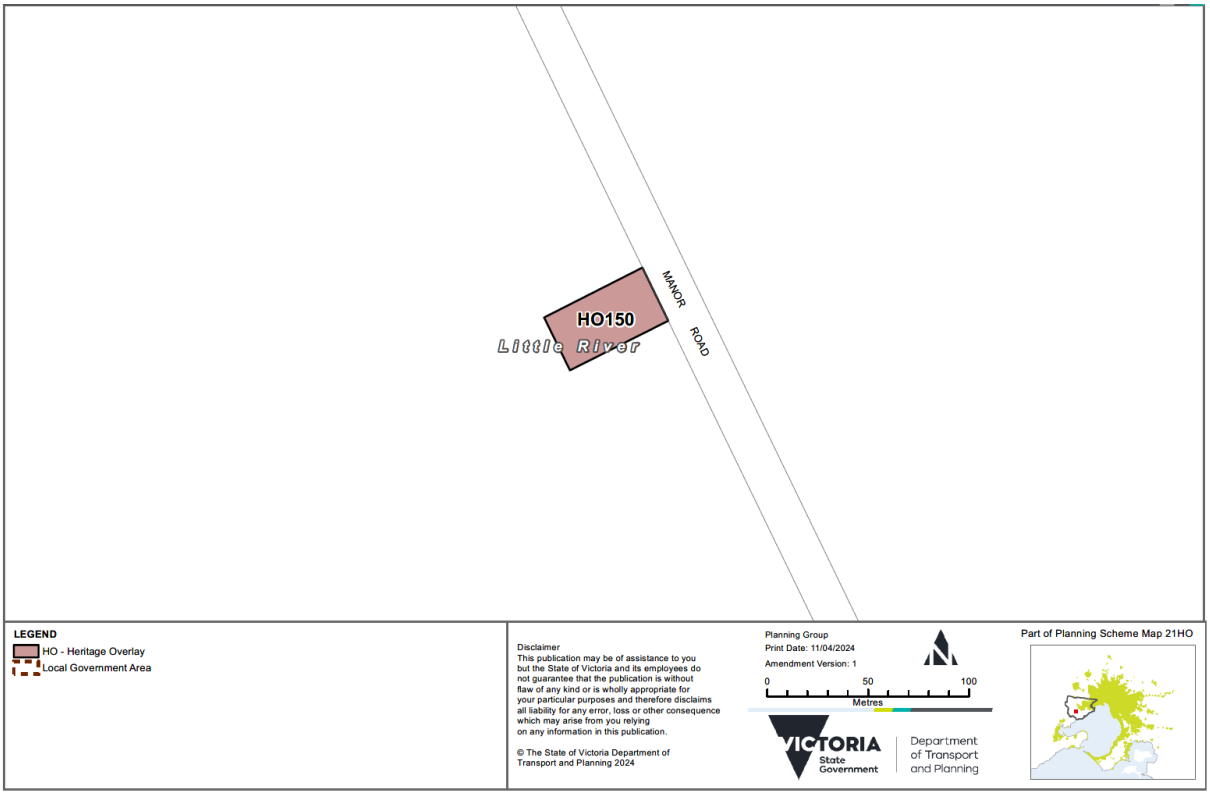

Table 1 Properties covered by the Amendment

HO number	Property address
HO137	13 Anderson Street, Werribee
HO138	15 Anderson Street, Werribee
HO139	57 Cottrell Street, Werribee
HO140	1 Francis Street, Werribee
HO141	2 Galvin Road, Werribee
HO142	26 Geelong Road, Werribee
HO143	24 Market Road, Werribee
HO144	13 Princes Highway, Werribee
HO145	23 Princes Highway, Werribee
HO146	1 Purcell Court, Werribee
HO147	112 Wedge Street, Werribee
HO148	8 Wyndham Street, Werribee
HO149	46-62 Flinders Street, Little River
HO150	48 Manor Road, Little River
HO151	60 and 80 You Yangs Road, Little River
HO152	4-6, 8-10 and 11-18 Beamish Street and 3-24 and 28 Gibbons Street, Werribee

1.2 Background

Council undertook a structured program of strategic heritage work to address the considerable time that had passed since its earlier heritage studies, the *Heritage of the City of Wyndham Study* (1997) and the *Review of Sites of Local Interest* (2004). Recognising that significant growth and change across the municipality warranted a fresh, evidence-based review of post-contact heritage, Council engaged heritage consultants in December 2019 to undertake *Wyndham Heritage Review (Gap Study) – Stage 1* (Gap Study).

The Gap Study involved a high-level, municipality-wide review of existing heritage documentation and overlay coverage to identify gaps in protection, supported by limited verification fieldwork (rather than a comprehensive street-by-street survey). It recommended further investigation of 173 individual sites, seven complex places and seven precincts spanning a broad range of place-types, along with preparation of an updated Thematic Environmental History (TEH) and correction of 109 deficient existing citations. A prioritisation framework was also developed, which identified residential places as high priority given their under-representation in the Heritage Overlay and vulnerability to demolition. Following exhibition and consideration of 41 relevant submissions (of 77 received), Council adopted the final Gap Study, including the updated TEH, on 29 June 2021.

Building on the Gap Study's priorities, Council engaged Lovell Chen (with Biosis) in June 2022 to carry out Stage 2: a detailed assessment of the 87 residential places and seven precincts identified in Stage 1, against PPN01 criteria and thresholds. Objectives included historical research and fieldwork, community and Traditional Owner engagement (with the Bunurong Land Council and Wadawurrung Traditional Owners Aboriginal Corporations) and refinement of the TEH.

Community engagement occurred in two phases. Phase 1 (August–October 2022) sought information and feedback from landowners, stakeholders and the community on the identified places and precincts and on the draft TEH. This process also led to several additional properties (including parts of Beamish and Gibbons Streets) being identified for inclusion. Phase 2 (November 2023–February 2024) involved checking the draft study, boundaries, citations and gradings through registered post, information sessions, notices to heritage groups and historical societies and broader public promotion. Submissions received during Phase 2 led to factual corrections and refinements to the Heritage Review.

The completed Heritage Review recommended Heritage Overlay protection for the Beamish and Gibbons Streets Residential Precinct (34 properties) and site-specific controls for 12 houses in Werribee and three houses in Little River. It recommended against including the Housing Commission of Victoria estates or further Werribee South places (with an alternative recognition approach to be pursued for Werribee South instead) and deferred consideration of the Campbells Cove and Baileys Beach Boatshed Precinct pending an updated Boatshed Management Policy.

Council adopted the Heritage Review's recommendations on 25 June 2024, providing the evidentiary basis for the Amendment, which seeks to give permanent statutory effect to the heritage protections identified through this two-stage process.

1.3 The Panel's approach

Key issues raised in submissions were:

- the regulatory and financial burden imposed by the application of the Heritage Overlay
- the potential impacts on competing strategic objectives such as housing and development
- concerns regarding amenity and heritage impacts of future development in Werribee Activity Centre
- disagreement with Council's assessment of significance
- questions or concerns regarding exhibition and Panel processes
- compliance with the Draft Local Heritage Criteria and Threshold Guidelines (DTP 2025)
- existing heritage protection under current planning legislation
- support for the protection of Aboriginal cultural heritage
- concerns regarding existing bushfire management controls
- suggestions for alternative ways of recognising heritage significance
- building condition.

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

The Panel considered all written submissions made in response to the exhibition of the Amendment, observations from site visits and submissions, evidence and other material presented to it during the Hearing. It has reviewed a large volume of material and has had to be selective in referring to the more relevant or determinative material in the Report. All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the Report.

This Report deals with the issues under the following headings:

- Strategic issues
- General issues
- Heritage precincts
- Individual heritage places.

1.4 Procedural matters

On 29 May 2026, the Department of Transport and Planning published the new *Victorian Local Heritage Guidelines (May 2026)* (Guidelines) which replaced PPN01. Expert statements were circulated on 27 May 2026 and the Hearing commenced on 3 June 2026. Consequently, most of the assessments of the heritage significance of places undertaken by the experts and Council were based on the PPN01 and not the Guidelines. Whilst there was some adjustment to the assessment of places provided during the Hearing, the Panel accepts that they were appropriately undertaken using PPN01 and has proceeded on that basis.

2 Strategic issues

2.1 Planning context

This chapter identifies planning context relevant to the Amendment. Table 2 highlights key imperatives of relevant provisions and policies.

Table 2 Planning context

	Relevant references
Victorian planning objectives	- section 4(1)(d) of the PE Act
Municipal Planning Strategy	- Clause 2
Planning Policy Framework	- Clauses 15.01-5S (Neighbourhood character), 15.03-1S (Heritage conservation)
Other planning strategies and policies	- Plan for Victoria Pillar 3 - Wyndham Heritage Review (Gap Study) – Stage 1 - Wyndham Heritage Review (Gap Study) Stage 1 – Volume 2: Thematic Environmental History - Wyndham Heritage Review – Stage 2: Residential Places and Precincts
Planning scheme provisions	- Heritage Overlay
Ministerial directions	- Ministerial Direction 11 (Strategic Assessment of Amendments)
Planning practice notes	- Planning Practice Note 1: Applying the Heritage Overlay (PPN01), August 2018

2.2 Strategic justification

(i) Evidence and submissions

Council submitted that the Amendment is consistent with State and local planning policy, advancing the objectives of planning in Victoria under section 4(1) of the PE Act, particularly the conservation of places of cultural and historical significance. It added that the Amendment complies with relevant Ministerial Directions and with PPN01, having applied recognised criteria, undertaken comparative analysis and prepared Statements of Significance in the standard three-part format. Council said it also aligns with Pillar 3 of *Plan for Victoria*, which supports the protection of significant heritage sites and precincts and is grounded in the Planning Policy Framework and Municipal Planning Strategy, including clauses addressing peri-urban areas, regional and local places, neighbourhood character (State and local) and heritage conservation. Council added that the Amendment affects only 49 residential properties and is not expected to impede Wyndham's housing targets under Clause 16.01-1S.

Submitters raised concerns about the Amendment's potential conflict with competing strategic objectives such as housing and development and questioned whether alternative measures should be used instead. Council rejected the premise that the Amendment creates a genuine conflict with housing supply, stating that the Amendment was consistent with the *Wyndham Housing and Neighbourhood Character Strategy*. Council noted that the *Werribee City Centre Structure Plan (2040)* was informed by built form studies that had regard to heritage assets and includes Theme 10, which seeks to protect, celebrate and reuse built heritage while still allowing development of scale that respects heritage values, fabric and view lines. The Amendment applies the Heritage Overlay to four properties within the Werribee Major Activity Centre to which the *Structure Plan* applies and Council considered the two instruments are capable of operating consistently together.

Council submitted that the strategic justification of the Amendment was anchored in the Gap Study which undertook a high-level, municipality-wide review of existing heritage documentation and Heritage Overlay as well as the Heritage Review which assessed individual residential places and precincts identified in the *Gap Study* against the criteria and thresholds in PPN01. Council concluded:

> The outcomes of the *Heritage Review* provided the detailed evidentiary basis for the preparation of the Amendment, which seeks to implement permanent heritage controls for those residential places and precincts identified as having local significance.

(ii) Discussion

The Panel is satisfied that the Amendment rests on a sound and methodical strategic foundation. The sequence of the Gap Study and the Heritage Review provided an evidentiary pathway, moving from a municipality-wide review of existing documentation to place-specific assessments tested against the PPN01 criteria and thresholds. The Panel does not accept that the Amendment gives rise to any genuine tension with housing and development objectives. It affects a modest number of properties, is consistent with the Neighbourhood Character Strategy and sits comfortably alongside the Structure Plan, which expressly contemplates the protection and reuse of built heritage while allowing development of a scale that respects heritage values.

The conservation benefits delivered by the Amendment, including the long-term protection of places of recognised local significance, outweigh any constraint on development potential. The Amendment gives effect to the relevant parts of the Planning Policy Framework and the Municipal Planning Strategy, accords with the applicable Ministerial Directions and Practice Notes and delivers the net community benefit and sustainable development outcome required by Clause 71.02-3. On that basis the Panel is satisfied that the Amendment is well founded and strategically justified.

(iii) Conclusions

For the reasons set out in this report, 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

- should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

3 General issues

This chapter refers to issues which apply across more than one individual place or precinct. Where a submission raised only general issues, it is not referred to in subsequent chapters.

3.1 Building condition

(i) The issue

The issue is whether building condition is relevant when assessing the heritage significance of an individual place or a precinct.

(ii) Submissions

Some submissions raised concerns about the condition of buildings and alterations made to houses that are proposed to have the Heritage Overlay applied.

Council acknowledged that not all included buildings are in perfect condition, but it submitted that building condition is properly assessed at the planning permit stage, not when determining whether to apply the Heritage Overlay. Council noted that the Guidelines require an intactness and integrity analysis as part of the heritage assessment and the Heritage Review already incorporated this, applying a higher integrity threshold for individual listings than for precinct properties (where significance lies partly in the assemblage). Citing the *Moreland C129* and *Mornington Peninsula C262morn* Panels, Council submitted that structural integrity and condition, and heritage significance are separate concepts assessed at different stages and that excluding properties on the basis of poor condition could perversely incentivise owners to allow deterioration.

Council submitted that internal alterations are not relevant since the Amendment does not propose internal controls.

(iii) Discussion

The Panel accepts Council's submission which draws a clear distinction between the physical state of a building and the question of heritage significance. The issue for the Panel is to determine whether a place or precinct still demonstrates the heritage values for which protection is proposed, not whether it is presently well maintained or free from deterioration. In the Panel's view what matters is whether the relevant fabric, form and attributes remain sufficiently legible to convey the identified heritage values. In that sense, poor repair may coexist with heritage significance, whereas the loss of integrity or the effective destruction of significant fabric may bear upon significance. The proper focus is therefore on intactness and integrity as they relate to the expressed heritage values, rather than on building condition as a separate consideration. On that basis, building condition is not a relevant criterion in deciding whether a place or precinct warrants inclusion in the Heritage Overlay.

(iv) Conclusion

The Panel concludes that building condition is not relevant when assessing the heritage significance of an individual place or a precinct.

3.2 Development opportunity, building alterations and maintenance

(i) The issue

The issue is whether development opportunity, building alterations and maintenance are relevant when assessing the heritage significance of an individual place or a precinct.

(ii) Submissions

Some submissions raised concerns about constraints on redevelopment and increased financial burden for repairs and maintenance.

Council acknowledged the Heritage Overlay introduces an additional permit trigger but submitted this is a necessary and appropriate step. Relying on a substantial body of Planning Panel precedent (Latrobe C14, Boroondara C266, Boroondara C274, Melbourne C387melb, Maribyrnong C172mari), Council submitted it is well established that personal economic impact and development constraints are matters for the permit application stage, not for determining heritage significance. The Heritage Overlay is not a de facto prohibition on demolition, alteration or redevelopment, but a qualitative control on the form and presentation of change of a place. In addition, many altered or modernised buildings retain heritage significance, demonstrating that change remains possible under heritage controls.

(iii) Discussion

The question before the Panel is whether a place or precinct has heritage significance sufficient to justify application of the Heritage Overlay, not whether future development might be more constrained, more costly or subject to additional procedural requirements. Those matters may be practical consequences of the Heritage Overlay, but they do not inform the assessment of significance. Nor does the existence of the Heritage Overlay specifically prevent future development. The planning scheme anticipates change, alterations and ongoing maintenance, provided those outcomes are considered through the heritage controls and assessed against the significance of the place. Concerns about redevelopment yield, design flexibility, approval pathways or the extent of future works are therefore more appropriately dealt with when a particular proposal is advanced and can be assessed on its merits. In that sense, development opportunity, building alterations and maintenance are management and implementation issues, not criteria for deciding whether heritage significance exists. The proper task remains to identify and evaluate the heritage values of the place or precinct; once that threshold question is answered, the consequences for future change can be addressed through the permit process rather than at the significance assessment stage.

(iv) Conclusion

The Panel concludes that development opportunity, building alterations and maintenance are not relevant when assessing the heritage significance of an individual place or a precinct.

3.3 Property value and financial implications

(i) The issue

The issue is whether property value and financial implications are relevant when assessing heritage significance or when deciding whether to apply the Heritage Overlay.

(ii) Submissions

Some submissions opposed the application of the Heritage Overlay because it would negatively impact property values.

Council submitted private financial impacts on individual property owners are not relevant considerations when assessing heritage significance or whether to apply the Heritage Overlay. Citing *Boroondara C398boro*, Council noted it is well established that site-specific private financial impacts do not constitute part of the broader social and economic impacts under section 12(2)(c) of the PE Act and that any social and community benefit from heritage protection outweighs private economic impacts. Council added that the Explanatory Report confirms the Amendment is expected to have positive environmental, social and economic effects overall, with only minor economic impacts on individual owners requiring permits and no material impact on housing supply given the limited scope (49 properties).

Submitters also raised concerns about negative impacts on property development potential within the Werribee Activity Centre Zone. Council submitted the Heritage Overlay protects the heritage characteristics of identified places without affecting the underlying objectives of the activity centre zoning and that any apparent inconsistency between zoning and heritage outcomes reflects an appropriately balanced approach to heritage protection and residential growth.

(iii) Discussion

The Panel accepts Council's submission that private financial implications and property values are not a relevant consideration in the application of the Heritage Overlay. As stated above, the role of the Panel is to determine whether the place or precinct possesses heritage significance sufficient to justify the application of the Heritage Overlay. Property-specific concerns about resale value, development cost, financing or future marketability do not assist in answering the threshold question of heritage significance. Nor is there any sound basis for treating financial implications as a proxy for significance. Market outcomes are affected by many variables and may shift over time, whereas the heritage assessment must focus on the identified cultural heritage values of the place. To elevate private financial consequences into the significance assessment would distort the statutory and policy framework and risk displacing the central question with matters more appropriately considered, if necessary, in the context

of a specific proposal. In that sense, property value and financial implications are not relevant criteria when assessing heritage significance or deciding whether the Heritage Overlay should be applied.

(iv) Conclusion

The Panel concludes that property value and financial implications are not relevant when assessing heritage significance.

4 Heritage precincts

4.1 Beamish and Gibbons Streets Residential Precinct (HO152)

Exhibited Statement of Significance

What is significant?

The Beamish and Gibbons Streets Residential Precinct, Werribee, comprises a multi-stylistic collection of residential properties dating from the 1910s to the 1950s. The precinct is notable for including a large percentage of buildings of the interwar period, many of them with high levels of integrity.

The planning and public realm attributes of the precinct are not significant. Likewise, the interiors of residences, later additions to residences, car ports and non-original front fences are not significant.

The original front fences at 14 Beamish Street and 14 Gibbons Street are significant.

Significant buildings:

Beamish Street: 4, 6, 11, 13, 14, 15, 16, 18

Gibbons Street: 4, 6, 7, 8, 10, 11, 14, 16, 18, 20, 21, 22, 23, 28

Contributory buildings:

Beamish Street: 17

Gibbons Street: 3, 19

Non-contributory buildings:

Beamish Street: 8-10, 12

Gibbons Street: 5, 9, 12, 13, 15, 17, 24

How is it significant?

The Beamish and Gibbons Streets Residential Precinct is of historical, representative and aesthetic (architectural) significance to the City of Wyndham [Criteria A, D and E]

Why is it significant?

The Beamish and Gibbons Streets Residential Precinct is of historical significance to the City of Wyndham. The area, which comprises 34 residential allotments formed by 1919-20, represents an early stage in a significant expansion of Werribee (and Wyndham's) population. The streets, close to the town centre, were part of an expansive area that was subdivided during this period. The area is distinguished by a high percentage of buildings of the interwar era, as well as buildings introduced in the early-post-World War II period and the 1950s.

Development in the period following the Great War was stimulated by a range of factors including the break-up of the pastoral estates (notably the Chirnside's large landholdings) and opportunities for employment created by the establishment of the Metropolitan Farm, the State Research Farm and Closer Settlement. The Beamish and Gibbons Streets Residential Precinct provides insights into the demographic profile of the growing township; the role played by the State Savings Bank in providing access to credit and popular residential designs; and patterns of urban growth, notably the consolidation of the centre of Werribee township to the north and south of the railway station. [Criterion A]

The Beamish and Gibbons Streets Residential Precinct is of representative significance to the City of Wyndham for its collection of properties dating from the first half of the twentieth century. The precinct is notable for including a high percentage of buildings of the interwar period, representing a diversity of popular styles of the period, many of them with a high level of integrity. Buildings of the early-post World War II era also contribute to the precinct's ability to demonstrate patterns of growth in Wyndham into the mid-twentieth century. [Criterion D]

The Beamish and Gibbons Streets Residential Precinct is of aesthetic significance to the City of Wyndham. The streets include buildings of architectural merit in their own right, particularly those with high levels of integrity dating to the interwar period. These combine with the contributory buildings in the precinct to present streetscapes of considerable interest and diversity. [Criterion E]

Elements that contribute to the significance of the precinct are detached residential buildings dating from the 1910s to the 1950s. Within this group, there is a hierarchy of significance (significant, contributory and non-contributory):

- Significant buildings date to the core period of significance (c. 1910 to c. 1940) and demonstrate a high level of integrity to the extent of their streetscape presentation. This group includes weatherboard bungalows and rendered brick bungalows with a variety of hipped and gabled roof forms clad with terracotta tiles or corrugated sheet metal. The majority are asymmetrically composed and distinguished by prominent projecting bays and verandahs, supported by timber posts. Timber-framed double-hung sash windows predominate, many with lead lighting.
- Contributory buildings include interwar residences that have been altered (generally to a limited extent); buildings of the post-World War II period that are responsive to the prevailing character of the area, or are examples of valued housing typologies of the early post-war period, including Cream Brick Veneers.
- Non-contributory buildings post-date the period of significance (1910s to 1950s) or have been extensively modified.

(i) The issue

The issue is whether the Beamish and Gibbons Streets Residential Precinct (HO152) has sufficient heritage significance to justify the application of the Heritage Overlay.

(ii) Background

Figure 5 Map of the Beamish and Gibbons Streets Residential Precinct (HO152)

Table 3 Properties included in the Beamish and Gibbons Streets Residential Precinct

Number	Address	Grade
4	Beamish Street, Werribee	Significant
6	Beamish Street, Werribee	Significant
8-10	Beamish Street, Werribee	Non-contributory
11	Beamish Street, Werribee	Significant
12	Beamish Street, Werribee	Non-contributory
13	Beamish Street, Werribee	Significant
14	Beamish Street, Werribee	Significant
15	Beamish Street, Werribee	Significant

Number	Address	Grade
16	Beamish Street, Werribee	Significant
17	Beamish Street, Werribee	Contributory
18	Beamish Street, Werribee	Significant
3	Gibbons Street, Werribee	Contributory
4	Gibbons Street, Werribee	Significant
5	Gibbons Street, Werribee	Non-contributory
6	Gibbons Street, Werribee	Significant
7	Gibbons Street, Werribee	Significant
8	Gibbons Street, Werribee	Significant
9	Gibbons Street, Werribee	Non-contributory
10	Gibbons Street, Werribee	Significant
11	Gibbons Street, Werribee	Significant
12	Gibbons Street, Werribee	Non-contributory
13	Gibbons Street, Werribee	Non-contributory
14	Gibbons Street, Werribee	Significant
15	Gibbons Street, Werribee	Non-contributory
16	Gibbons Street, Werribee	Significant
17	Gibbons Street, Werribee	Non-contributory
18	Gibbons Street, Werribee	Significant
19	Gibbons Street, Werribee	Contributory
20	Gibbons Street, Werribee	Significant
21	Gibbons Street, Werribee	Significant
22	Gibbons Street, Werribee	Significant
23	Gibbons Street, Werribee	Significant
24	Gibbons Street, Werribee	Non-contributory
28	Gibbons Street, Werribee	Significant

(iii) Evidence and submissions

A submission questioned the rationale for applying the Heritage Overlay given the owners' longstanding care of the property. The submission also raised concerns about being treated differently to other ratepayers and the cost and inconvenience of future renovations and the impact on property values.

Council submitted that the Heritage Overlay forms part of its strategic, staged heritage program. The Gap Study addressed recognised gaps in heritage identification across the municipality, particularly for early twentieth century residential development. The Heritage Review assessed the shortlisted places and precincts against the methodology and threshold tests in PPN01. Council said the Beamish and Gibbons Streets Residential Precinct (HO152) was identified through that process as meeting the threshold for inclusion and that 22 Gibbons Street, a 1920s bungalow retaining a high level of external integrity, was graded Significant because it is a representative, intact example on which the precinct's collective streetscape values depend. Council acknowledged the owner's long-term care of the dwelling as having contributed to its continued ability to express those values.

Council explained that the controls under Clause 43.01 are directed at managing externally visible change. The Overlay regulates external fabric and presentation and does not control internal alterations unless an internal control is specifically applied, which was not proposed. Consequently, ordinary internal renovations may proceed without heritage oversight. A permit is generally required only for external works such as additions, significant facade changes, demolition or new buildings. Responding to the concern about sustainability, Council noted that a street-visible solar energy system requires a permit while one that is not visible does not, so the Overlay does not prevent solar panels but may influence their location and design.

Council submitted that built form and amenity outcomes near the Werribee Activity Centre are matters for zoning and the assessment of individual development applications. Council considered comparisons with the demolition of similar dwellings elsewhere could not be assessed without the relevant planning context and that the Amendment affects a small proportion of the municipality's housing stock which is unlikely to constrain growth. Council maintained that the Overlay does not sterilise land but operates as a qualitative control on the form and presentation of change and that property value, saleability and cost concerns are not relevant to whether a place meets the threshold for application of the Heritage Overlay. Council's submission concluded that 22 Gibbons Street and the precinct warrant inclusion in the Heritage Overlay to conserve the demonstrated heritage values while still enabling reasonable change through the permit process.

Mr Mornement gave evidence on behalf of Council that the dwelling at 22 Gibbons Street is a 1920s bungalow that retains a high level of external integrity and is representative of the precinct's identified period of significance. This intactness is the key basis for its Significant grading within HO152. The grading does not reflect the property being singled out; rather, it reflects that the dwelling forms part of a significant precinct in which collective streetscape values depend on the retention of intact, representative examples.

(iv) Discussion

The Panel accepts that the precinct was identified through a rigorous and consistently applied process. Testing a shortlisted cohort against the PPN01 criteria and thresholds gives the Panel confidence that inclusion reflects demonstrated heritage value rather than the selective treatment of any individual owner. The evidence of Mr Mornement on 22 Gibbons Street is persuasive that the dwelling's external integrity is what allows it to

contribute to the streetscape values that define the precinct and its Significant grading follows from that contribution rather than from any singling out of the property.

The Panel is satisfied that the controls are proportionate to the significance identified. The Heritage Overlay regulates externally visible change and leaves internal works and many everyday improvements unaffected and it accommodates sensitively designed alterations, additions and sustainability measures rather than freezing the place in its current form. The permit process is the appropriate forum for assessing the design of future change.

The matters raised in submissions do not displace the heritage findings or justify excluding the place or the precinct from the Heritage Overlay. The Panel finds that the application of the Heritage Overlay to the Beamish and Gibbons Streets Residential Precinct, including 22 Gibbons Street, is appropriate and well founded.

The Panel notes and supports Council's proposal to include the following documents in the Schedule to Clause 72.04 (Incorporated Documents):

- Beamish and Gibbons Streets Residential Precinct heritage design guidelines
- Beamish and Gibbons Streets Residential Precinct heritage permit exemptions.

In the Panel's view this approach should reduce the administrative requirements of the Heritage Overlay by setting out a range of minor works that will not affect the heritage significance of a place and will exempt those works from the need for a permit.

(v) Conclusions

The Panel concludes:

- The Beamish and Gibbons Streets Residential Precinct has sufficient heritage significance to justify the application of the Heritage Overlay
- The inclusion of the Beamish and Gibbons Streets Residential Precinct heritage design guidelines and permit exemptions in the Schedule to Clause 72.04, as exhibited, is appropriate.

5 Individual heritage places

5.1 24 Market Road, Werribee (HO143)

Exhibited Statement of significance

What is significant?

'La Paloma' at 24 Market Road, Werribee (c. 1933) is a rendered brick Spanish Mission-style bungalow. The residence and brick fence are of significance. Later additions are not significant.

How is it significant?

The property is of local aesthetic (architectural) significance (Criterion E).

Why is it significant?

No. 24 Market Road, Werribee is a fine example of a 1930s Spanish Mission style rendered brick dwelling. There are few buildings in the Spanish Mission style in Werribee, or Wyndham.

As it presents to Market Road, it has a high degree of integrity to its original form and character. Distinguishing features and elements include the use of clinker brick veneer and roughcast render; the tall, pointed chimneys; projecting bay with arched loggia; the wide arched entry; and the roughcast and clinker brick fence with metal infill.

'La Paloma' is of some historical interest at the local level for its association with the Beasley family, prominent property owners and developers of the interwar period.

(i) The issue

The issue is whether 'La Paloma', 24 Market Road, Werribee (HO143) has sufficient heritage significance to justify the application of the Heritage Overlay.

(ii) Evidence and submissions

A submission recommended that the Heritage Overlay (HO143) be removed entirely from the property because the Council has not established that the house meets the local threshold for aesthetic (architectural) significance under Criterion E, only that the house is an "*uncommon and notably intact*" interwar Spanish Mission example. The submitter accepted that satisfying a single criterion can be sufficient for applying the Heritage Overlay but stated that the threshold itself must be demonstrated transparently and through evidence, not simply by identifying a style and asserting its local rarity. The submission contended that Criterion E requires aesthetic characteristics that are important, special, or beyond the ordinary in the municipal context, not merely typical of their class. Council's approach effectively conflates uncommonness and intactness with special local merit, without requiring the Panel to be satisfied the place is genuinely distinguished.

The submission added that the comparative analysis underpinning the citation is too narrow, resting heavily on a single comparator ('Muswell') and a limited stylistic lens, rather than benchmarking the property against the broader range of interwar dwellings of established local significance in Wyndham. The submission concluded that rarity of style alone does not demonstrate that a particular example is aesthetically important.

Dr Paul gave evidence on behalf of Submitter 1 that 'La Paloma' at 24 Market Road, Werribee, does not meet the threshold of local significance and recommended it be removed from the Amendment. He observed that the house presents with a high degree of intactness to its Market Road façade, but the citation does not adequately account for the impact of later additions, including two postwar bungalows, a skillion addition and postwar block fencing, which reduce the property's overall integrity. The secondary elevation (Beasley Street) is also less detailed and architecturally resolved than the primary façade and the house is not designed to address its corner site, suggesting a 'cookie-cutter' plan rather than a bespoke design.

A central criticism by Dr Paul was that the citation's comparative analysis is too narrow, comparing 'La Paloma' only to 'Muswell' (HO97), a grander, architect-designed, double-storey Spanish Mission residence with substantially more elaborate detailing, including Cordova tiles, balconies, arched portico, multi-pane windows and shutters. Consequently, the citation should have also compared the house against other significant interwar bungalows already on Wyndham's Heritage Overlay (for example 36 Wedge Street, 25 Wedge Street, 63 and 65 Greaves Street), which he contended are more substantial or eclectic examples of the broader interwar bungalow idiom, of which Spanish Mission was just one stylistic variant.

Dr Paul concluded the house exhibits only basic, generic hallmarks of the style (arched loggia, roughcast render, peaked chimneys) while lacking the more distinctive decorative elements (Baroque parapets, twisted Solomonic columns, parged render, Cordova tiles, shutters) that would elevate it beyond a 'typical' example. He added that mere rarity of

the style within Wyndham was not sufficient grounds for significance, particularly given comparable (and sometimes finer) Spanish Mission houses exist elsewhere (for example in Merri-bek), some of which were not recommended for individual listing.

Mr Mornement gave evidence that the relevant test is not whether a building is the best example of a style or forms part of a cohesive heritage streetscape, but whether, having regard to comparative context, it exhibits aesthetic characteristics important to the local area and retains sufficient integrity for those characteristics to be appreciable and protected through the Heritage Overlay. On this basis, the property is an "*uncommon and notably intact*" local example of an interwar residence in the Spanish Mission style. A place need not satisfy multiple criteria or demonstrate historical significance to justify individual Heritage Overlay inclusion; meeting one criterion at the local threshold, here Criterion E, is sufficient.

Mr Mornement stated that the relative rarity of the Spanish Mission style in Wyndham limits available local comparators, but this does not invalidate the comparative analysis; rather, it shifts its purpose toward confirming the style's rarity in the municipality. This demonstrates that the subject property is a legible local example and establishes its integrity relative to other interwar dwellings and known Spanish Mission examples. The comparative properties raised in the submission (HO116, HO117, HO58) are predominantly Californian Bungalows or significant for reasons unrelated to Spanish Mission design and so are not strong comparators. That a finer example (such as HO97, Muswell) may exist elsewhere does not diminish the subject property's capacity to meet the local threshold. The integrity of the surrounding streetscape is not a relevant consideration to this assessment and the non-original rear development (two units) is already acknowledged as non-significant in the statement of significance.

Mr Mornement added that the Heritage Review's methodology, which responds to Werribee's multi-stylistic, incrementally developed residential fabric, reflects a considered response to local urban history rather than an improper lowering of assessment standards. Overall, the house's aesthetic significance is supported by its high integrity and clear expression of Spanish Mission characteristics; the threshold for local significance does not require a building to be the most elaborate or a landmark, only that its attributes are sufficiently notable locally and capable of being conserved through the Heritage Overlay.

Council submitted that it agrees with the evidence of Mr Mornement and the Heritage Overlay should be applied to this property.

(iii) Discussion

The question is whether 'La Paloma' meets the local threshold for aesthetic significance under Criterion E. The Panel accepts that satisfaction of a single criterion at the local threshold is sufficient to support the Heritage Overlay and that the place need not be a landmark, the finest example of its style, or part of a cohesive heritage streetscape. The relevant inquiry is whether the house exhibits aesthetic characteristics that are notable in the local context and retains sufficient integrity for those characteristics to be appreciated and conserved.

The Panel prefers the evidence of Mr Mornement on the application of that test. The comparison with 'Muswell' is not a flaw in the assessment but a reflection of the scarcity of Spanish Mission examples in Wyndham and the comparators advanced in the submission are predominantly Californian Bungalows or are significant for unrelated reasons, so they do not undermine the citation. That finer examples may exist in other municipalities does not diminish the dwelling's capacity to meet the local threshold, which is assessed against Wyndham's own fabric. The high external integrity of the principal Market Road frontage allows the Spanish Mission characteristics to be read and protected and the later additions, already identified as non-significant, do not deprive the place of that integrity.

The criticisms raised in the submission and in Dr Paul's evidence go to the degree of elaboration rather than to whether the local threshold is met and they do not persuade the Panel that the place falls short of Criterion E. The Panel finds that 'La Paloma', 24 Market Road, Werribee has sufficient local aesthetic significance and that the application of the Heritage Overlay (HO143) is appropriate.

(iv) Conclusion

The Panel concludes ‘La Paloma’, 24 Market Road, Werribee (HO143) has sufficient heritage significance to justify the application of the Heritage Overlay.

5.2 57 Cottrell Street, Werribee (HO139)

Exhibited Statement of significance

What is significant?

No. 57 Cottrell Street, Werribee (c. 1897) is a double-fronted, weatherboard bungalow of the late-Victorian period. Outbuildings and additions to the rear are not of significance.

How is it significant?

The property is of local architectural significance (Criterion E).

Why is it significant?

No. 57 Cottrell Street, Werribee is of aesthetic and architectural significance at the local level as a *fine and substantially intact* late-Victorian residence. The symmetrically composed double-fronted property has slate areas and original timber details to the north (front) elevation. Built form of this era is relatively unusual in local context, generally pre-dating the major phase of development in Werribee from the 1910s and 1920s.

(i) The issue

The issue is whether 57 Cottrell Street, Werribee (HO139) has sufficient heritage significance to justify the application of the Heritage Overlay.

(ii) Evidence and submissions

Comfort Care and Community Services Pty Ltd (Comfort Care) submitted that it would prefer the heritage listing be removed entirely, but it accepted Council's strategic direction and instead advocated for *an "adaptive reuse / integrated redevelopment outcome"* as the most realistic and balanced pathway. It proposed a pathway and integrated redevelopment that:

- responds appropriately to any identified heritage significance

- allows meaningful redevelopment of the land
- contributes positively to the Werribee City Centre
- delivers community and economic benefit
- and aligns with the strategic objectives of the Werribee *Structure Plan* and Activity Centre framework.

Comfort Care added that a strategic tension it says is already recognised by both Council and the Department of Transport and Planning where the site sits within an area earmarked for substantial growth and multi-storey redevelopment yet faces permanent heritage protection. It notes Council's own acknowledgment that a Heritage Overlay does not preclude redevelopment, provided proposals appropriately respond to heritage values and points to prior pre-application advice for office redevelopment as evidence Council has previously recognised the site's redevelopment potential. The submission also argues these concerns are not unique to this property but reflect a broader issue affecting similarly situated landowners across the Activity Centre Zone and asks that consistent treatment be applied across comparable sites.

In conclusion, the company submits that rigid heritage preservation is not appropriate for this site and requests the Panel adopt a balanced, pragmatic approach, one offering flexibility for redevelopment (for example façade retention or partial adaptive reuse) while still recognising any legitimate heritage values, consistent with broader strategic objectives for the Werribee Activity Centre.

Mr Mornement's evidence was that:

- A place may warrant application of the Heritage Overlay where it meets the threshold for local significance against one or more criteria in PPN01.
- The assessment for 57 Cottrell Street, Werribee concludes that the property meets this threshold under Criterion E for its architectural and aesthetic value, relating specifically to the external presentation and fabric of the building.
- As internal controls are not recommended, the submitter's concerns about internal alterations and the loss of original internal features and layout are not relevant to the basis for the proposed Heritage Overlay, which is properly directed at the building's external integrity and presentation.
- The Heritage Overlay is not a 'no-change' control, it allows alterations, additions and even partial demolition or redevelopment, provided proposals appropriately respond to the place's significance.
- Any tension between heritage controls and the strategic intent of the Activity Centre Zone would be resolved at the time a specific development proposal is assessed, through the planning scheme's integrated decision-making framework.
- Any redevelopment at the rear of the site or internal upgrades would not necessarily be precluded, provided significant external fabric is not adversely affected.
- As noted in the Explanatory Report, the Amendment affects a limited number of properties overall, supporting the view that the heritage controls will have minimal impact on broader strategic development objectives, including housing supply.

Council submitted that Mr Mornement's evidence confirms the property meets the local significance threshold based on its external presentation and fabric and it maintained its

position that the property should remain in the Amendment with the Heritage Overlay applied.

(iii) Discussion

The Panel notes that the Comfort Care submission does not so much contest the heritage assessment as the consequences of listing and the unchallenged evidence is that 57 Cottrell Street meets the local threshold under Criterion E for its external architectural presentation and fabric. The Panel accepts that evidence. Because the significance rests on the building's external expression and no internal controls are proposed, concerns directed at internal alterations and the loss of original internal features do not bear on whether the Overlay is warranted.

The more substantial point is the tension between heritage protection and the redevelopment intent for the Werribee Activity Centre. The Panel does not regard that tension as a reason to not apply the Heritage Overlay. The Heritage Overlay is not a barrier to change and it allows alterations, additions and, in appropriate cases, partial demolition or redevelopment where a proposal responds to the significance of the place. The proper forum for reconciling heritage and development objectives is the assessment of a specific proposal under the planning scheme's integrated decision-making framework, where adaptive reuse, facade retention and rear development can each be tested on their merits. The request for consistent treatment of comparable sites is answered by applying the same threshold-based assessment to each place, which is what the Heritage Review has done.

Applying the Overlay does not foreclose the redevelopment outcomes the submitter seeks; it ensures they are designed with regard to the identified significance. The Panel finds that 57 Cottrell Street, Werribee has sufficient local significance and that the application of the Heritage Overlay (HO139) is appropriate.

(iv) Conclusion

The Panel concludes 57 Cottrell Street, Werribee (HO139) has sufficient heritage significance to justify the application of the Heritage Overlay.

5.3 13 Princes Highway, Werribee (HO144)

Exhibited Statement of significance

What is significant?

No. 13 Princes Highway, Werribee is a *fine and substantially intact* double-fronted Californian bungalow of the interwar period (c.1923). The house itself is of significance. The front fence and later additions are not significant.

How is it significant?

The property is of local aesthetic (architectural) significance (Criterion E).

Why is it significant?

No. 13 Princes Highway, Werribee is of aesthetic (architectural) significance at the local level as a particularly fine example of a double-fronted Californian bungalow of the interwar period. The property presents to Princes Highway with a high level of integrity as built. Characteristics of the bungalow style include the complex roof forms (clad in terracotta tiles), the return verandah and details throughout, including exposed rafters, decorative finials, roughcast render, decorative window hoods and tripartite casement windows.

No. 13 Princes Highway is of some historical interest at the local level as one of a large number of Californian-style bungalows financed by the State Savings Bank in Wyndham from the 1920s.

(i) The issue

The issue is whether 13 Princes Highway, Werribee (HO144) has sufficient heritage significance to justify the application of the Heritage Overlay.

(ii) Evidence and submissions

A submission opposed the inclusion of the property in the Heritage Overlay on the grounds of aesthetic significance under Criterion E. The property has been cited as a "*fine and substantially intact*" interwar Californian Bungalow (c.1923), but the submission states this threshold has not been adequately demonstrated against the Hercon criteria. The submission added that the house is of a quality that would normally be graded Contributory within a precinct, but the surrounding streetscape lacks the integrity to support such a grading.

The submission states that the house has had several alterations affecting authenticity, including replacement sash windows with post-war "*yellow rippled glass*" likely substituting earlier leadlighting, a non-original garage (albeit with replicated heritage details) and more recent fencing and landscaping. While the house is described as mostly intact to its original form, these changes are highlighted as relevant to assessing the genuine integrity claimed in the citation.

The submission states the comparative analysis is too narrow and relies on weak comparators, properties such as 23 McDonald Street, 112 Wedge Street, 1 Francis Street and 107/109 Werribee Street, none of which are currently on the Heritage Overlay, making them poor benchmarks for establishing a Significant grading. The submission notes that these alternative properties are, in any event, more representative or more elaborate examples of the Californian Bungalow idiom than the subject site. Crucially, the submission states the citation fails to compare the property against bungalows that are already individually significant and overlay-listed (such as 36 Wedge Street, 25 Wedge Street, 63 and 65 Greaves Street), which display more exuberant detailing, masonry verandahs, decorative brackets and intact original fencing, features the subject site lacks.

The submission identifies features the property lacks relative to genuinely significant comparators, including a masonry verandah with piers and balustrade, decorative brackets, low-pitched roof form and original leadlighting and fencing and concluded the house is a typical, rather than special, example. The submission also noted the design has not been matched to any known State Savings Bank house plan, undermining its claimed representative historical value and that no professional or public recognition of the house's aesthetic merit has ever been recorded.

In summary the submission concluded that the citation has not established the threshold of local significance under either Criterion A (historical) or Criterion E (aesthetic) and recommended the property be removed from the Amendment. In the alternative, it recommended the citation be revised to include proper comparative analysis against existing Significant-graded interwar bungalows on the Heritage Overlay before any individual listing is pursued.

Mr Mornement's evidence was that:

- The concerns raised regarding the proposed individual Heritage Overlay for 13 Princes Highway, relating to the assessment of aesthetic significance, the application of comparative analysis and the threshold for inclusion have been carefully considered against the methodology and criteria applied in the Heritage Review.

- The property has been assessed in accordance with PPN01 and found to meet the threshold for aesthetic significance (Criterion E) as an individually significant double-fronted timber Californian Bungalow; while it has some historical associations of interest, it does not meet the threshold for historical significance (Criterion A).
- Comparative analysis is not intended to demonstrate that a subject property is superior to, or equal to, the most distinguished examples already in the Heritage Overlay; rather, it situates the property within a broader local context to determine whether it is a representative and sufficiently intact example of a recognised typology.
- The inclusion of comparator properties not currently on the Heritage Overlay, or proposed as part of the same study, is consistent with accepted practice and establishes a comparative baseline rather than relying solely on existing listings reflecting earlier assessment standards.
- The properties cited in the submission as comparators (HO117, HO116, HO58) are constructed of brick and represent a different, more architecturally elaborate subset of the Californian Bungalow typology, often from an earlier development phase and are therefore not directly comparable to the more modest timber subject property.
- The comparison to the 'Rothwell Street Residential Precinct' is misplaced, as this precinct does not exist (having been rejected in 2009).
- In any event, since the subject property is not located within a cohesive heritage streetscape, it cannot be assessed within a precinct framework and it is appropriate instead to consider whether it has sufficient individual merit.
- The assessment concluded that, notwithstanding the absence of a cohesive streetscape, the building's integrity and clarity of form support its recognition as an individually significant place.
- The contention that local thresholds for aesthetic significance have been set too low was not accepted. The study has been undertaken in accordance with PPN01 and the identification of places as significant reflects their ability to meet the local threshold within the Wyndham context, having regard to the availability, condition and representativeness of surviving building stock.
- Where many comparable examples have been altered or lost, relatively intact surviving examples may assume greater importance.

Council submitted that Mr Mornement's evidence confirms the property meets Criterion E (aesthetic significance) as an individually significant Californian Bungalow. The lack of a cohesive streetscape does not preclude individual listing where sufficient merit exists on its own. Council noted recent works (a psychology clinic and car park) reported by the submitter in May 2026 have not changed its position that the property should remain in the Amendment.

(iii) Discussion

The question for the Panel turns on the purpose of comparative analysis and the threshold it must establish. The Panel accepts the evidence of Mr Mornement that the comparative analysis assesses a place within its local context to test whether it is a representative and sufficiently intact example of a recognised typology. The inclusion of

comparators not yet listed is orthodox and the absence of the more exuberant detailing found on grander brick bungalows does not disqualify a modest but legible timber example.

The Panel is satisfied that the dwelling meets the local threshold under Criterion E and does not meet it under Criterion A, consistent with the citation. The alterations identified in the submission, including the replacement windows, the non-original garage and the later fencing, are matters of degree that do not deprive the building of the integrity and clarity of form on which its significance rests. That the property does not sit within a cohesive heritage streetscape is not an obstacle. A place may be individually significant on its own merits and where comparable examples have been altered or lost a relatively intact survivor may carry greater weight.

The criticisms in the submission go to the strength of the citation rather than to whether the threshold is met and they do not persuade the Panel that the place falls short of Criterion E. The Panel finds that 13 Princes Highway, Werribee has sufficient local aesthetic significance and that the application of the Heritage Overlay (HO144) is appropriate.

(iv) Conclusion

The Panel concludes 13 Princes Highway, Werribee (HO144) has sufficient heritage significance to justify the application of the Heritage Overlay.

5.4 60 and 80 You Yangs Road, Little River (HO151)

Exhibited Statement of significance

What is significant?

'Oakhurst', comprising the house and farm complex at 80 You Yangs Road and associated farm store structure at 60 You Yangs Road, Little River.

How is it significant?

'Oakhurst', comprising the house and farm complex at 80 You Yangs Road and associated farm store structure at 60 You Yangs Road, Little River is of local historical (Criterion A) and representative (Criterion D) significance to the City of Wyndham.

Why is it significant?

'Oakhurst', comprising the house and farm complex at 80 You Yangs Road and associated farm store structure at 60 You Yangs Road, Little River is of local historical significance for demonstrating the importance of farming to the Little River district and has associations with the prominent farming family, the McNaughtons. The property was in McNaughton ownership from the 1860s until the 1970s, with Donald McNaughton, the grandson of the original owner Samuel, operating it as the Oakhurst farm from the c. 1910s. It appears that the farming buildings date to the early decades of the twentieth century with the house understood to have been constructed in the late 1930s, following a fire at an earlier residence in 1938. (Criterion A)

The property comprises the 1930s bungalow and various farm buildings including a woolshed, grain silo, brick dairy and stable and farm store (at 60 You Yangs Road), along with a number of other structures. Together these buildings are of representative significance to the municipality as a relatively intact farming property (Criterion D).

(i) The issue

The issue is whether 60 and 80 You Yangs Road, Little River (HO151) has sufficient heritage significance to justify the application of the Heritage Overlay.

(ii) Evidence and submissions

A submission raised concerns that the two properties sit on separate titles with no connection to each other. Mr Mornement's evidence supports this concern, confirming that 60 You Yangs Road does not retain fabric contributing to the significance of the farm complex at 80 You Yangs Road, nor any meaningful historical and functional association.

Council advised that post-exhibition, on 10 March 2026, its Planning Committee endorsed changes to the Amendment removing the property at 60 You Yangs Road, Little River from proposed HO151, together with consequential updates to the heritage citation, Statement of Significance and planning scheme maps. Having regard to the additional information provided in the submission, Council agreed that 60 You Yangs Road does not retain fabric contributing to the identified heritage significance of the former farm complex at 80 You Yangs Road, nor does it demonstrate a meaningful historical or functional association with that complex. Accordingly, Council proposed the following changes:

- confining the Heritage Overlay boundary to 80 You Yangs Road
- removing reference to the shed at 60 You Yangs Road and any implied association from the citation for 80 You Yangs Road
- updating the Statement of Significance so that significance is clearly tied to the place and fabric remaining subject to the overlay.

In relation to the Bushfire Prone Area point raised in the submission, neither the heritage citation nor the Statement of Significance references the property's bushfire-prone status. The references to 'fire' in the heritage documentation relate solely to the historical 1938 fire that destroyed the original homestead. The Explanatory Report's reference to bushfire-prone status is a separate planning consideration that sits outside the heritage significance assessment framework. Council provided an amended citation Statement of Significance with its Part B submission (Document 15).

(iii) Discussion

The Panel notes that in response to the Council's decision the submission was withdrawn. The Panel accepts the submission of Council and the evidence of Mr Mornement and agrees with the changes to the maps, citation and Statement of Significance.

(iv) Conclusions and recommendations

The Panel concludes:

- 80 You Yangs Road, Little River (HO151) has sufficient heritage significance to justify the application of the Heritage Overlay.
- Remove the Heritage Overlay from 60 You Yangs Road, Little River (HO151).
- Remove the reference to the shed at 60 You Yangs Road, Little River and any implied association from the citation for 80 You Yangs Road, Little River (HO151).

- Update the Statement of Significance for 80 You Yangs Road, Little River so that significance is clearly tied to the place and fabric remaining subject to the overlay (HO151).

The Panel recommends:

1. **Amend the Citation for 80 You Yangs Road, Little River as shown in Appendix B.**
2. **Amend the Statement of Significance for 80 You Yangs Road, Little River as shown in Appendix C.**
3. **Remove the Heritage Overlay from 60 You Yangs Road, Little River.**

Appendix A Document list

No.	Date	Description	Provided by
1	15-Apr-26	Email to PPV concerning Council process	Submitter 4
2	7-May-26	Panel Directions and Hearing Timetable V1	Planning Panels Victoria (PPV)
3	15-May-26	Map of submitter locations	Wyndham City Council (Council)
4	15-May-26	Council Part A submission	Council
5	25-May-26	Statement of position and arguments	Submitter 3
6	26-May-26	Further submission	Submitter 4
7	25-May-26	Expert witness statement of Dr Aron Paul	Submitter 1
8	27-May-26	Expert witness statement of Adam Mornement	Council
9	28-May-26	Email concerning the statement by Dr Aron Paul (D8) in Submitter 4's submission	Council
10	1-Jun-26	Letter to PPV re new heritage guidelines	Council
11	1-Jun-26	Email concerning the new heritage guidelines	Submitter 4
12	2-Jun-26	Building inspection reports	Submitter 3
13	2-Jun-26	Response to Council submission	Submitter 4
14	2-Jun-26	Presentation of Adam Mornement	Council
15	3-Jun-26	Part B submission	Council
16	4-Jun-26	Written submission	Submitter 1
17	4-Jun-26	*Wyndham Heritage Review* (*Gap Study*) Stage 1	Council
18	9-Jun-26	Part C (closing) submission	Council
19	9-Jun-26	Marked map 5 with site locations	Council

Appendix B Panel recommended version of the citation for 80 You Yangs Road, Little River

Name	'Oakhurst'	HO Schedule No.	Proposed HO151
Address	~~60 and~~ 80 You Yangs Road, Little River	Citation date	July 2025, updated November 2025
Place Type	Private residence and farm complex	Survey Date	August 2023
Date of construction	c. 1938 (residence), c. 1900s-30s (farm buildings)		
Recommendation	Include in the HO	Level of significance	Local

Figure 11~~1~~
View from You Yangs Road: driveway leading to the residence

Figure 22~~2~~
Residence, with steeply pitched roof and chimney visible

Figure 6~~3~~

Front (south) elevation of the residence

Figure 44~~4~~
View of farming buildings, including woolshed and grain silo

Figure 55~~5~~
Dairy

Figure 66~~6~~
Farm building (possibly stables) and basalt rubble wall

Figure 77~~7~~
Aerial view February 2023 (Nearmap.com): house and farm complex at 80 You Yangs Road at centre (yellow line)~~, and farm structure at 60 You Yangs Road at top right Red arrow)~~

Statement of Significance

What is significant?

'Oakhurst', comprising the house and farm complex at 80 You Yangs Road ~~and associated farm store structure at 60 You Yangs Road~~, Little River.

How is it significant?

'Oakhurst', comprising the house and farm complex at 80 You Yangs Road ~~and associated farm store structure at 60 You Yangs Road~~, Little River is of local historical (Criterion A) and representative (Criterion D) significance to the City of Wyndham.

Why is it significant?

'Oakhurst', comprising the house and farm complex at 80 You Yangs Road~~, and associated farm store structure at 60 You Yangs Road~~, Little River is of local historical significance for the demonstrating the importance of farming to the Little River district, and has associations with the prominent farming family, the McNaughton's. The property was in McNaughton ownership from the 1860s until the 1970s, with Donald McNaughton, the grandson of the original owner Samuel, operating it as the Oakhurst farm from the c. 1910s. It appears that the farming buildings date to the early decades of the twentieth century with the house understood to have been constructed in the late 1930s, following a fire at an earlier residence in 1938. (Criterion A)

The property comprises the 1930s bungalow, and various farm buildings including a woolshed, grain silo, brick dairy and stable , along with a number of other structures. Together these buildings are representative significance to the municipality as a relatively intact farming property (Criterion D)

History

Contextual history

'Oakhurst', at ~~60 and~~ 80 You Yangs Road, Little River is situated on the lands of the Wadawurrung peoples of the Kulin Nation, the Traditional Custodians of that Country. Despite the effects of colonisation, including dispossession of land, the Traditional Custodians have maintained a continuing connection to land, waters and culture within the City of Wyndham. The site was operated as a single farm until the 1970s when it was subdivided.

The subject site is within Crown allotment 4A in the Parish of Bulban, to the north-west of the Little River township. Little River was developed at a river crossing on the road between Melbourne and Geelong, with the Travellers Rest Inn established in c. 1840. In 1852, a township, known as Rothwell, was surveyed at the river crossing, although this village was to the south of the present township of Little River.[1] With the establishment of the Melbourne-Geelong railway line, and the construction of the railway station and goods shed in 1857, development shifted to the north of the earlier village site.[2]

Crown land in the Parish of Bulban was sold from the early 1850s, with medium and large allotments ranging in size from 32.4 hectares (80 acres) to the 259-hectare (640-acre) pre-emptive right allotment of early pastoralist George Synnott.[3] Garrett Brien acquired Crown allotment 4A in 1853, which extended to the north of what is now known as You Yangs Road, between Edgars Road and the river. You Yangs Road led to a relatively early crossing point of the river, giving access to other local roads on the west side of Little River, and the You Yangs. It was known as Garrett's Crossing, after Garrett Brien. A single-span bluestone bridge was constructed in 1867 (HO122).[4] On the south side of You Yangs Road, a number of recreational and sports grounds were established. The Little River Recreation Reserve appears to have been set aside in the 1850s, with an 1857 plan showing six acres for a 'cricket and recreation ground' adjacent to the Catholic Church site.6 A public park was reserved to the west of the cricket ground in 1890, now known as McNaughton Reserve, recognising the contribution of members of the McNaughton family to Little River.[7]

Subject site

The majority, if not all, of Brien's Crown allotment 4A was acquired by Samuel McNaughton in 1867.[8] McNaughton was a well-known local farmer, who also owned land to the north of the subject site. He was a manager of the Little River Farmers Commons in the early 1860s.9 From the c. late 1880s, the farming property was occupied by one of Samuel's son, Donald[10] The name 'Oakhurst' dates from Donald's occupation.[11] Donald McNaughton died in 1892, but his family remained at the site. After Samuel's death in late 1896, the property was transferred to the joint ownership of the executors of his estate William Carr, and sons Angus McNaughton and Duncan McNaughton. The trio held the land, which extended west to the Little River, while the children and widow of Samuel's late son, Donald, remained at the site, which at the time incorporated a four-roomed weatherboard house.[12]

Ownership was transferred in 1913 to the adult children of Donald: John, William and Donald Alexander McNaughton, and to Donald McNaughton as sole proprietor in 1914.[13] In 1938, the Melbourne Herald newspaper reported that a fire originating from the kitchen had destroyed the over 50-year-old weatherboard residence at Donald McNaughton's Little River property. The recently formed local fire brigade saved the farm outbuildings.[14] It is likely that the present residence at the site was constructed soon after this, and it appears to have been constructed at a similar location to its predecessor, which can be seen on a survey plan of 1917.

Donald retained ownership of the 40.5-hectare (100-acre) site until his death in 1966, after which ownership was passed to his wife, Louisa McNaughton. The broader property was subdivided in the 1970s, creating the existing property boundary and ending over 100 years of McNaughton family ownership.[14]

The 'Oakhurst' residence and farm can be seen in a 1974 aerial photograph at Figure 88~~8~~. The property comprised generally open paddocks, with the residence accessed via a driveway from You Yangs Road, with outbuildings in close proximity to the house at the rear (north and north-west).

Figure 88~~8~~ Aerial photograph, 1974, showing the subject property: the residence is indicated
Source: Historical Aerial Photography Collection, Landata, SERV

Description

The property at ~~60 and~~ 80 You Yangs Road, Little River comprises a residence of c. 1938 and a collection of early twentieth century farm buildings. The buildings are set back from You Yangs Road by approximately 100 metres, and there is a remnant dry stone wall along the southern perimeter (HO134).

The residence is a single-storey bungalow with a distinctive column supported verandah to its front (south) elevation. It is defined by a steeply pitched hipped roof which extends to form the verandah awning. The double-fronted residence is constructed of weatherboards on a brick base to dado height, two sets of tripartite windows flanking the front entry. On the east side of the house are two tall, exposed brick chimneys.

To the rear (north) of the house are a number of structures of vernacular construction which are related to the various farming activities at the property. These appear to date to the early twentieth century. The farm buildings include:

At 80 You Yangs Road

- A timber-framed woolshed clad in galvanised corrugated sheet metal
- A grain silo, also in corrugated sheet metal
- A small gabled dairy in red face brick
- A stable (assumed) with basalt rubble stone/dry stone walls, roofed in corrugated sheet metal

- ~~At 60 You Yangs Road~~
- ~~A gable roof shed/store structure, constructed of sheet metal and open to the north.~~

Comparative analysis

Farming is an important theme in the history of Wyndham. Much of the district was used for pastoral or agricultural uses through the nineteenth and twentieth centuries, and as such, there were numerous house and farm complexes across the municipality. However, many of these properties have been redeveloped or are now no longer intact, including examples that are in the Schedule to the Heritage Overlay. The Robertson farm complex in Tarneit (HO28) includes the remnants of a bluestone house and drystone wall enclosure. Likewise, the Little River Farmers Common (HO130, HO135) drystone walls are reflective of the early struggles of small-scale farmers to access the land in the face of the dominance of the pastoral land holdings. A more intact example of farming practices in the area is the Richmond and McNaughton Properties (HO55) at 230 Edgars Road, Little River. The site includes ruins, bluestone stores, two timber houses (1887, c. 1927), bluestone wells, bluestone and dry-stone walls from the different phases of the farm's operation. Other examples of twentieth century farming places include those in Werribee South, which developed as small-scale farms through the irrigation scheme.

Assessment Against Criteria

(Criteria adapted from Planning Practice Note 1: Applying the Heritage Overlay, August 2018)

Criterion A
Importance to the course, or pattern, of the City of Wyndham's cultural history.

The house and farm complex at ~~60 and~~ 80 You Yangs Road, Little River is of local historical significance for demonstrating the importance of farming to the Little River district, and has associations with the prominent farming family the McNaughtons, many of whom served on the local Council. The property was in McNaughton ownership from the 1860s until the 1970s, with Donald McNaughton, the grandson of the original owner Samuel, operating it as the 'Oakhurst' farm from the c. 1910s. It appears that the farming buildings date to the early decades of the twentieth century with the house understood to have been constructed in the late 1930s, following a fire to its predecessor.

Criterion B
Possession of uncommon, rare or endangered aspects of the City of Wyndham's cultural history.

N/A

Criterion C
Potential to yield information that will contribute to an understanding of the City of Wyndham's cultural history.

N/A

Criterion D
Importance in demonstrating the principal characteristics of a class of cultural places and objects.

The property at 80 You Yangs Road comprises the 1930s bungalow and various farm buildings including a woolshed and grain silo, brick dairy and stable `, along with a number of other structures. Together these buildings are representative of a relatively intact farming property possibly dating from the late-nineteenth century.

Criterion E
Importance in exhibiting particular aesthetic characteristics.

N/A

Criterion F
Importance in demonstrating a high degree of creative or technical achievement at a particular period.

N/A

Criterion G
Strong or special association with a particular present-day community or cultural group for social, cultural or spiritual reasons.

N/A

Criterion H
Special association with the life or works of a person, or group of persons, of importance in the City of Wyndham's history.

The association with the McNaughton family is addressed under Criterion A.

Victoria's Framework of Historical Themes

Victoria's themes and sub-themes:

4. Transforming and managing the land

- 4.4, Farming

6. Building towns, cities and the garden state

- 6.5, Living in country towns

Note

Aligns with Section 6.5, 'Agricultural settlement' in the *Wyndham Thematic Environmental History* (September 2023).

Recommendations

Recommended for inclusion in the Schedule to the Heritage Overlay of the City of the Wyndham Planning Scheme. The recommended extent of the HO, including the house and farming buildings, is indicated at Figure 99~~9~~. Note, the adjacent HO134 dry stone wall is to remain a separate HO, as this relates to the nineteenth century farming endeavours in Little River.

External Paint Controls	Yes (face brick external fabric to the residence and the dairy)
Internal Alteration Controls	No
Tree Controls	No
Outbuildings and/or fences not exempt	Yes (woolshed, grain silo, dairy, and stables ~~and farm store structure~~)
Included on the Victorian Heritage Register	No
Prohibited uses permitted	-
Incorporated plan	-
Aboriginal heritage place	-

Figure 999 Recommended curtilage for the Heritage Overlay

Endnotes

1 'Plan of township and suburbs of Rothwell on the Little River', R34, put-away plan, Central Plan Office, Landata, Secure Electronic Registries Victoria.

2 'Little River', Victorian Places, Monash University and University of Queensland, 2015, https://www.victorianplaces.com.au/little-river, accessed 21 December 2022.

3 'Plan of the subdivision of section s in the Parishes of Cocoroc Murtcaim Bulban and Wurdi-Youang',C249, put-away plan, Central Plan Office, Landata, SERV.

4 'Grant's Bridge, You Yangs Road, Little River', https://wyndhamhistory.net.au/items/show/297, accessed 17 August 2023.

5 'R34 - Plan of the Township and Suburbs of Rothwell on the Little River County Grant', put-away plan, Central Plan Office, Landata, Secure Electronic Registries Victoria.

6 Victoria Government Gazette, Gazette 116, 5 December 1890, p. 4721, and Pers. Comm, Les Sanderson, Little River Historical Society to Joy Painter, Wyndham City Council, December 2009, copy provided by Wyndham Council.

7 Certificate of Title (cancelled), Volume 214 Folio 780, 1867, Landata, SERV.

8 Geelong Advertiser, 19 July 1862, p. 1.

9 Donald McNaughton, Probate files, 1893, VPRS 28/P0002, 52/378, Public Record Office Victoria; 'McNaughton Family – Donald McNaughton (P-005)', nd., copy provided by Little River Historical Society.

10 Argus, 19 January 1950, p. 14.

11 Certificate of Title (cancelled), Volume 214 Folio 780, 1867, Landata, SERV; 64/707 Samuel McNaughton, Will, 1897, VPRS 7591/P2, and Samuel McNaughton, probate, 1897, VPRS 28/P0002, 64/707, Public Record Office Victoria.

12 Certificate of Title (cancelled), Volume 3726 Folio 053, 1913, Landata, SERV.

13 Herald, 19 January 1938, p. 2.

14 Certificate of Title, Volume 9059 Folio 950, 1974, Landata, SERV.

Appendix C Panel recommended version of the Statement of Significance for 80 You Yangs Road, Little River

WYNDHAM PLANNING SCHEME

~~60 and~~ 80 You Yangs Road, Little River – Statement of Significance

Heritage Place:	80 You Yangs Road, Little River	**PS ref no:**	HO151

Figure 1 Front (south) elevation *of the* residence*, 80 You Yangs* Road*,* Little *River*

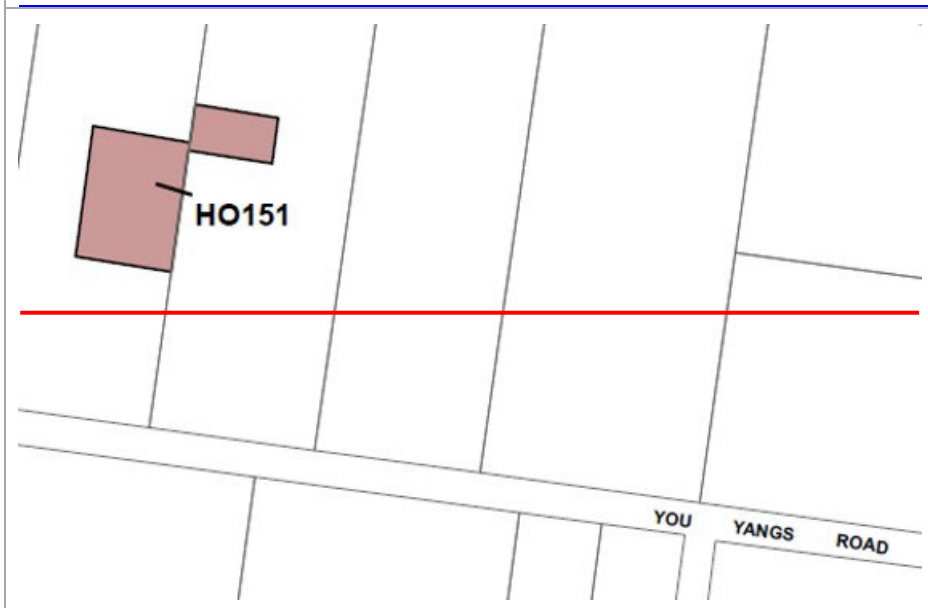

Figure 2 *Proposed HO151*

What is significant?

'Oakhurst', comprising the house and farm complex at 80 You Yangs Road ~~and associated farm store structure at 60 You Yangs Road~~, Little River.

How is it significant?

'Oakhurst', comprising the house and farm complex at 80 You Yangs Road ~~and associated farm store structure at 60 You Yangs Road~~, Little River is of local historical (Criterion A) and representative (Criterion D) significance to the City of Wyndham.

Why is it significant?

'Oakhurst', comprising the house and farm complex at 80 You Yangs Road ~~and associated farm store structure at 60 You Yangs Road~~, Little River is of local historical significance for the demonstrating the importance of farming to the Little River district, and has associations with the prominent farming family, the McNaughtons. The property was in McNaughton ownership from the 1860s until the 1970s, with Donald McNaughton, the grandson of the original owner Samuel, operating it as the Oakhurst farm from the c. 1910s. It appears that the

farming buildings date to the early decades of the twentieth century with the house understood to have been constructed in the late 1930s, following a fire at an earlier residence in 1938. (Criterion A)

The property comprises the 1930s bungalow, and various farm buildings including a woolshed, grain silo, brick dairy and stable ~~and farm store (at 60 You Yangs Road)~~, along with a number of other structures. Together these buildings are representative significance to the municipality as a relatively intact farming property (Criterion D).

Primary source

Wyndham Heritage Review, Stage 2: Residential Places and Precincts, Wyndham City Council (July 2025, updated November 2025)

This document is an incorporated document in the Wyndham Planning Scheme pursuant to section 6(2)(j) of the *Planning and Environment Act 1987*