

## **WHITEHORSE PLANNING SCHEME**

### **AMENDMENT C172 (PART 1)**

#### **EXPLANATORY REPORT**

#### **Who is the planning authority?**

This amendment has been prepared by Whitehorse City Council, which is the planning authority for this amendment.

The amendment has been made at the request of Whitehorse City Council.

#### **Land affected by the amendment**

The amendment applies to 7 places comprising 2 precincts, 1 group listing and 4 individual places across the suburbs of Box Hill, Burwood, Forest Hill, Mitcham, Mont Albert and Nunawading.

#### **What the amendment does**

The amendment proposes to apply the Heritage Overlay to 7 places and update Clause 22.01 Heritage Buildings and Precincts. The amendment introduces heritage protection for places identified in the City of Whitehorse Post 1945 Heritage Study. (It should also be noted that the report also includes some sites which are not part of this amendment.)

Specifically, the amendment:

- Modifies Clause 22.01 to include:
  - Specific reference to the following precincts and group listing: AV Jennings Estate, Burwood Skyline Drive-in Cinema, and the Concept Constructions Display Homes.
  - Whitehorse Post 1945 Heritage Study as a reference document.
- Modifies the schedule to Clause 43.01 Heritage Overlay to add 7 new places.
- Inserts new Planning Scheme Maps marked “Whitehorse Planning Scheme, Amendment C172 (Part 1)” to include 7 new places in the heritage overlay.

#### **Strategic assessment of the amendment**

##### **• Why is the amendment required?**

The amendment is required to provide permanent protection to the 7 new heritage places as no protection exists currently. There is no other mechanism in place to introduce a heritage overlay.

##### **• How does the amendment implement the objectives of planning in Victoria?**

The amendment gives effect to and is consistent with the following objectives of planning in Victoria identified in Section 4 (1) of the *Planning and Environment Act 1987*:

- To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;
- To facilitate development in accordance with the objectives of The Act.

- **How does the amendment address the environmental effects and any relevant social and economic effects?**

*Environmental effects*

The amendment will conserve and enhance places identified as being of aesthetic, architectural and historical interest and special cultural value.

The amendment will also make a significant positive contribution to the built environment of the municipality by assisting in the conservation of heritage places.

The retention of heritage places has positive environmental effects by significantly reducing building waste and conserving embodied energy in existing buildings.

*Social effects*

The amendment is expected to have positive social impacts by providing protection for places that help demonstrate the historical development of the municipality to current and future generations.

The amendment also provides protection to aesthetically appealing places, which contributes to the cultural identity of Whitehorse.

*Economic effects*

The amendment is not expected to have significant economic repercussions for the community. However some additional costs are likely to be imposed on the owners or developers of affected residential properties, since the amendment will necessitate a planning permit for most buildings and works. The amendment also has potential to affect the redevelopment opportunities of some affected sites.

It is considered that economic effects will be offset by the contribution that the heritage places offer to the broader community

- **Does the amendment address relevant bushfire risk?**

None of the properties affected by this amendment are situated within a Bush Fire Prone Area. The amendment will not increase bush fire risk to life, property, community infrastructure or the natural environment.

- **Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?**

The amendment is consistent with the following Ministerial Directions:

- *Form and Content of Planning Schemes*
- *No. 9 Metropolitan Strategy* as discussed below.
- *No. 11 Strategic Assessment of Amendments* as discussed below.
- *No. 15 The Planning Scheme amendment process.*

The amendment is not affected by any other Ministerial Direction.

- **How does the amendment support or implement the State Planning Policy Framework and any adopted State policy?**

The amendment implements State Planning Policy 15.03 Heritage. The amendment will implement the objectives and strategies of Clause 15.03 by identifying places of heritage significance and applying the heritage overlay to provide for their conservation.

- **How does the amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?**

The amendment supports and implements the Municipal Strategic Statement at Clauses 21.05 and 21.06 and the Local Planning Policy Framework at Clauses 22.06 and 22.01.

*Municipal Strategic Statement*

An objective of Clause 21.05 Environment is “to protect and enhance areas with special ... cultural or historic significance for the future enjoyment of the community”. A strategy for achieving this is to identify places of historic significance within Whitehorse and then apply a heritage overlay to protect such places. The current amendment implements the clause by applying a heritage overlay to places recommended in the City of Whitehorse Post 1945 Heritage Study.

In accordance with the objectives of Council’s Housing Strategy 2014 and Clause 21.06, the scale of change anticipated in the residential zoned heritage places will be limited, in recognition of their heritage significance.

#### *Local Planning Policy Framework*

Clause 22.01 is the local policy for heritage buildings and precincts. The clause specifically concedes that not all buildings with heritage significance in the municipality are identified in existing heritage overlays. Existing studies do not identify every heritage place however Council is working towards identifying remaining heritage places. This work is being guided by the *City of Whitehorse Potential Heritage Framework 2008*, which sets priorities for Council’s heritage work. The Post 1945 Heritage Study updates the 2008 Framework and assesses and prepares citations for places identified as being the next priority of local significance. The 7 places forming part of the current amendment are compatible with this priority. The places are identified to be of clear significance and in this way, the amendment responds directly to the objectives of Clause 22.01 and Council’s Heritage Framework.

Clause 22.06 is the local policy for Activity Centres. One of the heritage places in this amendment is in the Nunawading Megamile Major Activity Centre and Mitcham Neighbourhood Activity Centre Structure Plan area. Retention of this heritage building will assist in increasing the cultural identity of these two Centres.

- **Does the amendment make proper use of the Victoria Planning Provisions?**

The amendment makes proper use of the Victoria Planning Provisions.

It is considered that the heritage overlay is the most appropriate planning tool to use, because it identifies sites of historical significance and provides demolition protection. Whilst it is acknowledged that the neighbourhood character overlay also provides demolition control, this is only intended as an interim measure until appropriate new development opportunities are proposed. For heritage places however, it is imperative that redevelopment occurs in sympathy with, rather than in replacement of, the existing buildings and therefore the heritage overlay is the most appropriate planning tool.

- **How does the amendment address the views of any relevant agency?**

Exhibition of the amendment provided the opportunity for relevant agencies to comment on the proposed amendment.

- **Does the amendment address relevant requirements of the Transport Integration Act 2010?**

The amendment is not expected to have any noticeable impact on the transport system. There are no applicable statements of policy principles.

#### **Resource and administrative costs**

- **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

If the amendment is approved then it is expected that there will be a small increase in the number of planning permits to be processed. However Council has a well-established process for assessing heritage applications and since any expected increase will be minor, additional applications can be accommodated within existing resources.

## **Where you may inspect this Amendment**

The amendment is available for public inspection, free of charge, during opening hours at the following places:

- Whitehorse City Council, Planning Counter, Civic Offices, 379 Whitehorse Road, Nunawading.
- On the Internet at: [www.whitehorse.vic.gov.au/amendment-C172.html](http://www.whitehorse.vic.gov.au/amendment-C172.html)

The amendment can also be inspected free of charge at the Department of Planning and Community Development website at [www.dpcd.vic.gov.au/planning/publicinspection](http://www.dpcd.vic.gov.au/planning/publicinspection).