

WHITEHORSE PLANNING SCHEME

AMENDMENT C188

EXPLANATORY REPORT

Who is the planning authority?

This amendment has been prepared by the 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 65 Esdale Street, Nunawading.

What the amendment does

The amendment applies a permanent Heritage Overlay (HO) to the above property to conserve and enhance buildings of identified local heritage significance and ensure that future development does not adversely affect this heritage significance.

Specifically the amendment:

- Applies the Heritage Overlay to the above property on a permanent basis.
- Modifies the Schedule to Clause 43.01 – Heritage Overlay.

Strategic assessment of the Amendment

Why is the Amendment required?

The amendment is required to provide heritage protection to the subject property.

The amendment is guided by the *Whitehorse Post-1945 Heritage Study* which identified the property for further heritage investigation.

How does the Amendment implement the objectives of planning in Victoria?

The amendment implements the objectives of planning in Victoria, as set out in the *Planning and Environment Act 1987* by seeking to conserve and enhance buildings of aesthetic, architectural and historical interest and otherwise special cultural value.

How does the Amendment address any environmental, social and economic effects?

The amendment is anticipated to provide a positive contribution to the environment by assisting in the conservation of a local heritage place. The amendment will make a significant contribution to the built environment of the City of Whitehorse.

The amendment is likely to have positive social impacts by providing protection for sites that demonstrate the historical development of the locality and add to the cultural identity of the City of Whitehorse.

The amendment is not expected to have significant economic effects. It is possible however, that the amendment may impose additional costs on the owners or developers of the affected properties with the introduction of a requirement for a planning permit for most buildings and works.

Does the Amendment address relevant bushfire risk?

There are no bushfire risk considerations relevant to this amendment.

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

The amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes, Ministerial Direction 9 and Ministerial Direction No. 11 Strategic Assessment Guidelines.

How does the Amendment support or implement the State Planning Policy Framework and any adopted State policy?

The directions and strategies of the current metropolitan strategy for Melbourne, *Plan Melbourne* are implemented through Clause 11 of the SPPF.

The application of the HO to the subject property will give effect to the objectives of Clause 11.02-2 by retaining and protecting the unique characteristics of an established area in the form of a heritage building.

The amendment is also supported by Clauses 15.01-5 and 15.03 of the SPPF which seek to recognise, protect and conserve places of heritage significance and places that add to cultural identity. This is to be achieved by *'identify[ing], assess[ing] and document[ing] places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme'*. The amendment directly responds to this strategy.

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

Municipal Strategic Statement

Clause 21.05 *Environment* seeks to "protect and enhance areas with special ... cultural or historic significance for the future enjoyment of the community". This is to be achieved through the identification of buildings of historical significance, and implemented by applying the HO to buildings and structures identified in heritage reviews. The amendment responds directly to and implements the objectives of this clause, by applying the HO to a property identified in a heritage review.

Local Planning Policies

Clause 22.01 *Heritage Buildings and Precincts* includes an objective "to ensure that all possible avenues are pursued to ensure the conservation of heritage sites and that demolition is allowed only where there are extenuating circumstances". It is not considered that there are any extenuating circumstances warranting the demolition of the subject property. The most appropriate option available to Council is to ensure conservation of the identified building is via heritage protection.

Clause 22.01 specifically concedes that not all buildings of heritage significance within the municipality are identified in the HO as existing studies do not identify every heritage place. Clause 22.01 further notes that Council is endeavouring to identify places of heritage significance that are not already protected.

Does the Amendment make proper use of the Victoria Planning Provisions?

The HO is the most appropriate tool to provide long term demolition protection to the subject property.

How does the Amendment address the views of any relevant agency?

There are no additional referral authorities or requirements created by the amendment.

Does the Amendment address relevant requirements of the Transport Integration Act 2010?

There are no requirements in the Transport Integration Act that are of relevance to the amendment.

Resource and administrative costs

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

The amendment will have a minor impact on the resource and administrative costs of Council, arising from the administration of the HO on the subject property. Any additional applications and permits resulting from the application of the HO can be accommodated by current staff members.

Where you may inspect this Amendment

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

- Whitehorse Civic Centre, Planning Counter
379-397 Whitehorse Road
Nunawading VIC 3131
- Whitehorse City Council Service Centres at Box hill Town Hall and Forest Hill Chase Shopping Centre
- Nunawading Library
- The City of Whitehorse webpage - www.whitehorse.vic.gov.au/amendment-c188.html

The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at www.delwp.vic.gov.au/public-inspection.

Submissions

Any person who may be affected by the Amendment may make a submission to the planning authority. Submissions about the Amendment must be received by **Tuesday 26 July 2016**.

A submission must be sent to:

Gareth Pottinger
Senior Strategic Planner
Whitehorse City Council
Locked Bag 2
Nunawading Delivery Centre VIC 3131

Or via email: strategic.planning@whitehorse.vic.gov.au

Panel hearing dates

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: week beginning 17 October 2016
- panel hearing: week beginning 14 November 2016

Privacy statement: any personal information you may include in any submission to Council on the Amendment is collected for planning purposes in accordance with the *Planning and Environment Act 1987*. The public may view the submissions whilst the Amendment is being considered. In accordance with the "Improving Access to Planning Documents" Practice

Note dated December 1999, a copy of your submission may be made available upon request. If you fail to provide this information your comments may not be considered. You may access this information by contacting Council on 9262 6303.