

WHITEHORSE PLANNING SCHEME

AMENDMENT C216whse

EXPLANATORY REPORT

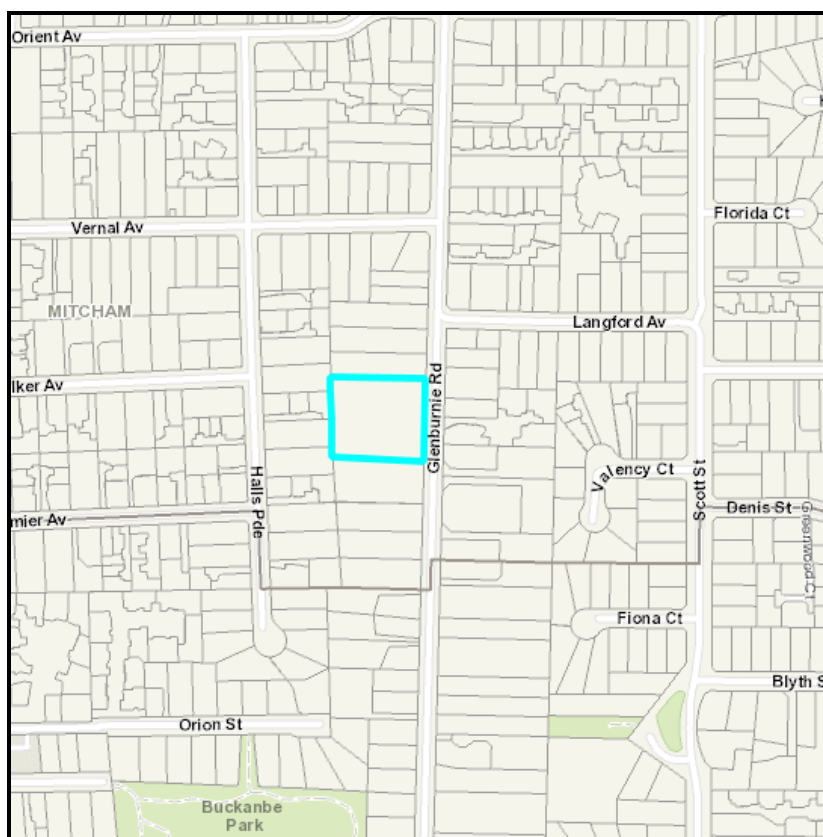
Who is the planning authority?

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 the land at 42-48 Glenburnie Road, Mitcham.



Map 1: Location of subject site

What the amendment does

The Amendment proposes to apply the heritage overlay to the building and land known as 'Minamere' at 42-48 Glenburnie Road, Mitcham.

The Amendment makes the following proposed changes to the Whitehorse Planning Scheme:

- Amends the Schedule to Clause 43.01 Heritage Overlay to include the heritage place known as 'Minamere' - 42-48 Glenburnie Road, Mitcham (HO296) on a permanent basis.
- Amends Planning Scheme Map 3HO to include 42-48 Glenburnie Road, Mitcham.
- Amends the Schedule to Clause 72.04 to incorporate the document '*Minamere*' 42-48 Glenburnie Road, Mitcham – *Statement of Significance*, June 2019.

Strategic assessment of the Amendment

Why is the Amendment required?

The proposed amendment is required to provide heritage protection to the dwelling known as 'Minamere' at 42-48 Glenburnie Road, Mitcham.

The subject property was identified as being of potential heritage significance in past Whitehorse heritage assessments and was recognised as requiring further heritage investigation when funding became available.

On 7 November 2018, Council, under delegation, issued a Notice of Refusal to Grant a Permit for the construction on ten (10) double storey dwellings on the subject site. A total of 156 objections were received in response to notification of this application, with heritage raised as a ground for concern.

An application under Section 29A of the *Building Act* 1993 was then lodged with Council for the demolition of the dwelling, placing the property under immediate threat. Council immediately sought to apply interim heritage controls to the site via Whitehorse Planning Scheme Amendment C215whse. While the Minister for Planning considered Council's amendment request, the demolition request was suspended. On 16 May 2019 the request for interim heritage controls was approved and applied to the site. The interim controls expire on 31 March 2020.

'Minamere' at 42-48 Glenburnie Road, Mitcham is a single storey timber Californian Bungalow that was constructed in c1926. Elements that contribute to the significance of the place include (but are not limited to):

- The house's original external form, materials and detailing.
- The house's high level of integrity to its original design and construction
- The house's setting in a large garden allotment sited to appreciate the views to the Dandenong Ranges.
- Surviving mature trees particularly the Monterey Cypress (*Cupressus macrocarpa*) and Mediterranean Cypress (*Cupressus sempervirens*) on the north boundary and the English Oak (*Quercus robur*) in the driveway turning circle.

Minamere is of historical and architectural significance to the City of Whitehorse. It is historically significant for its association with the development of the Mitcham area in the 1920s and represents the pursuit by the middle class of a semi-rural lifestyle during the interwar years.

Minamere is of architectural significance as a fine, highly intact and representative example of a large Californian Bungalow style house. It displays typical characteristics of the style, popular in the 1920s and 30s across Melbourne, including a low-pitched cross-gabled roof clad with terracotta tiles, exposed rafter ends, projecting boxed windows and wide verandahs with square timber posts.

The curtilage of the heritage overlay extends to the property boundaries ensuring that the garden setting which contributes to Minamere's significance is protected. Applying the Heritage Overlay to the entire site will ensure that any future development of the site is undertaken in a way that respects the architectural and historical significance of the place.

Preserving the place will help to demonstrate to current and future generations, the historical development of the locality, as well as providing an aesthetically appealing property which adds to the cultural identity of the City of Whitehorse.

The amendment is supported by a heritage citation report prepared by Coleman Architects.

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

The objectives of planning in Victoria outlined at Section 4(1) of the *Planning and Environment Act 1987* (the Act) are:

- (a) to provide for the fair, orderly, economic and sustainable use, and [development of land](#);
- (b) to provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity;
- (c) to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;

(d) 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;

(e) to protect public utilities and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community;

(f) to facilitate [development](#) in accordance with the objectives set out in paragraphs (a), (b), (c), (d) and (e);

(fa) to facilitate the provision of affordable housing in Victoria;

(g) to balance the present and future interests of all Victorians.

The proposed amendment meets the objectives of planning in Victoria by conserving a place that is of historical and architectural significance and is of special cultural value. Preserving the subject property provides a tangible link to the development of Melbourne's suburbs and preserves the interests of both present and future Victorians.

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

The proposed amendment has been assessed against sections 12(2)(b) and (c) of the Act to consider the social and economic effects and whether or not the amendment results in a net community benefit.

The amendment is anticipated to provide a positive contribution to the environment by assisting in the conservation of a heritage place. The amendment will make a significant contribution to the built environment of the City of Whitehorse. Although tree controls are not proposed for inclusion in the Schedule to Clause 43.01 Heritage Overlay there are a number mature trees that are considered to contribute to the heritage significance of the place. This is another reason why the proposed Heritage Overlay extends to the boundaries of the subject site.

The amendment is likely to have positive social impacts by providing protection for a site that helps to demonstrate to current and future generations, the historical development of the locality, as well as providing an aesthetically appealing property which adds to the cultural identity of the City of Whitehorse.

The amendment is not expected to have significant economic effects, although it may impose additional costs on the owners or developers of the affected site pre-amendment approval in terms of property holding costs and post-amendment approval as a planning permit would be required for most buildings and works. The amendment also has potential to impose some economic impact on the owners or developers on the affected site in terms of their redevelopment opportunities.

Does the Amendment address relevant bushfire risk?

The proposed amendment will not result in any increase to the risk to life as a priority, property, community infrastructure and the natural environment from bushfire.

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

The amendment complies with the requirements of the Ministerial Direction – The Form and Content of Planning Schemes (Section 7(5) of the Act).

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

The relevant Clauses of the Planning Policy Framework affected by the amendment include Clause 15 - Built Environment and Heritage and Clause 15.03 – Heritage.

The proposed amendment addresses the State Policy at Clause 15 by protecting a site with heritage significance and cultural value. The Amendment seeks to protect a property that contributes positively to the local character and sense of place.

The application of the Heritage Overlay on the property will give effect to the objective of Clause 15.03-1S by identifying a place of heritage significance and applying the Heritage Overlay to provide for its conservation. The proposed amendment responds directly to the strategies outlined at this Clause.

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

Clause 21.05 Environment

One of the objectives of Clause 21.05 is “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.

Clause 21.06 Housing

Clause 21.06 identifies that the Whitehorse community is concerned about maintaining the high quality residential environment and ensuring that areas of heritage or special character are protected as the City’s population grows.

The subject property is also in a Neighbourhood Residential Zone (Schedule 1). One of the objectives of Clause 21.06 is to *conserve and enhance those elements which contribute to the valued environmental, heritage and neighbourhood character of the place*. To achieve this Clause 21.06 recommends applying the Heritage Overlay to buildings, structures and natural features of historical significance.

Clause 22.01 Heritage Buildings and Precincts

Clause 22.01 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 have not identified and investigated every potential 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 proposed amendment makes proper use of the Victoria Planning Provisions. The Heritage Overlay is the most appropriate planning tool to ensure that the local heritage significance of the place is considered in any future proposal to develop the subject land. This is consistent with direction in *Planning Practice Note No. 1 Applying the Heritage Overlay* and the *Ministerial Direction – The Form and Content of Planning Schemes*.

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

The proposed amendment does not require referral to any specific agency.

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

There are no requirements in the Transport Integration Act 2010 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?

Anticipated additional resources resulting from an approved amendment will be involved in administering the Heritage Overlay on the subject property. This is expected to be minimal and any planning permit applications can be accommodated by current staff members as Council has a well-established process for assessing heritage applications and the amendment affects one property.

Where you may inspect this Amendment

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

- Whitehorse City Council, Planning Counter, 379 Whitehorse Road, Nunawading;
- Whitehorse City Council Service Centres at Box Hill Town Hall and Forest Hill Chase Shopping Centre;
- Libraries in the City of Whitehouse at Nunawading, Vermont South, Blackburn and Box Hill;
- On the internet at: www.whitehorse.vic.gov.au.

The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at www.planning.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 5pm on Monday 28 October 2019.

A submission must be sent to: Anne North, Strategic Planner, Whitehorse City Council, Locked Bag 2, Nunawading Delivery Centre VIC 3131, or alternatively you may email the submission to 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: February 2010.
- Panel hearing: March 2020.