

NILLUMBIK PLANNING SCHEME

AMENDMENT C138nill

EXPLANATORY REPORT

Who is the planning authority?

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

The amendment has been made at the request of Nillumbik Shire Council.

Land affected by the amendment

The amendment applies to part of 14-26 Browns Lane, Plenty.

What the amendment does

The amendment replaces interim heritage controls applied through C137nill over part of 14-26 Browns Lane, Plenty with a permanent Heritage Overlay (HO270), updates the Schedule to the Heritage Overlay, inserts a statement of significance and a heritage citation for the identified individually significant place.

Specifically, the amendment:

- Amends the Schedule to Clause 43.01 (Heritage Overlay) to include part of 14-26 Browns Lane, Plenty (HO270) on a permanent basis.
- Amends the Schedule to Clause 72.04 (Schedule to the Documents Incorporated in this Planning Scheme) to include the Statement of Significance for the house at 14-26 Browns Lane, Plenty.
- Amends the Schedule to Clause 72.08 (Backgrounds Documents) to include the heritage citation for the house at 14-26 Browns Lane, Plenty.
- Amends Planning Scheme Map No. 9HO to apply the Heritage Overlay (HO270) to part of 14-26 Browns Lane, Plenty, on a permanent basis.

Strategic assessment of the amendment

Why is the amendment required?

The amendment places a Heritage Overlay over part of the site known as 14-26 Browns Lane, Plenty.

In June 2021 Council received a Section 29A request for 'report and consent under the *Building Act 1993* to demolish the dwelling located on the property. Given the threat of demolition, Council requested that the Minister for Planning prepare, adopt and approve an amendment using Section 20(4) of the Act to apply the Heritage Overlay to the land, on an interim basis. This resulted in the suspension of the demolition permit under section 29B of the *Building Act 1993*, and Amendment C137nill applied interim heritage controls to part of 14-26 Browns Lane, Plenty until 1 December 2022, while an equivalent amendment proceeded through the full planning scheme amendment process (Amendment C138nill) to apply the Heritage Overlay on a permanent basis.

The house at part of 14-26 Browns Lane, Plenty is historically significant for its association with the development of Plenty in the interwar years. As an intact timber bungalow built for Marion and Fred Osmond in 1924, originally on a 20 acre lot, it provides tangible evidence of the interwar subdivision pattern in which large rural landholdings in the Plenty area were divided for sale in allotments of 10 or 30 acres. These allotments were advertised as being equally suited to farming and fruit growing as they were to residential purposes. In response to an increasing population in the area, this development coincided with and supported a growing Plenty town centre. Established in the 1920's, the town centre included a Primary School (HO213), Methodist Church (HO250), Store and Hall (HO248).

Arthurs Creek, Doreen, Hurstbridge, Strathewen, Plenty, Diamond Creek, Yarrambat and Research

became important centres for a fruit growing industry that was based at Diamond Creek. Smaller orchardists, however, often struggled to make a living from their trees and often turned to other activities such as raising chickens, selling firewood or even working for other landowners or in the goldmines, as well as tending their fruit trees. In 1927 a poultry farm was operating on the subject site. 14-26 Browns Lane thus provides evidence of these early agricultural activities in the area. The significance of the place is enhanced by its rural setting, which maintains street frontage to Browns Lane.

The house at 14-26 Browns Lane, Plenty, is a largely intact representative example of a timber interwar bungalow. It has very few changes made to the original or early built fabric across its principal elevations. Key characteristics include its asymmetric built form with projecting front room below a dominant hip and gable roof, extensive wrap-around verandah under the sweep of the main roof line, and a bay box window that sits under its own skillion roof with a window hood.

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

The amendment implements the objectives of planning in Victoria as set out in Section 4(1) of the *Planning and Environment Act 1987* (the Act). The following objectives in Section 4(1) are particularly relevant to the amendment:

- 4(1d) - 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.
- 4(1g) - to balance the present and future interests of all Victorians

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

The amendment provides assured protection for a significant heritage site within the Shire of Nillumbik.

The amendment is expected to have positive environmental, social and economic effects by providing permanent protection to the individually significant heritage place in the Shire of Nillumbik.

Does the amendment address relevant bushfire risk?

The amendment will not increase the risk of life, 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 is consistent with the *Ministerial Direction on the Form and Content of Planning Schemes* under section 7(5) of the Act and *Ministerial Direction 11: Strategic Assessment Guidelines* which requires a strategic assessment of the amendment to be undertaken within this Explanatory Report.

The amendment has been prepared with regard to *Ministerial Direction 9: Metropolitan Planning Strategy*, which refers to Plan Melbourne 2017-2050. The amendment is particularly consistent with the following direction in *Plan Melbourne 2017-2050*, as outlined below:

Direction 4.4 Respect Melbourne's heritage as we build for the future.

- Policy 4.4.1 Recognise the value of heritage when managing growth and change.

The amendment recognises the need to require careful management of the ongoing processes of change to the urban environment and that decisions must be based on an appreciation of Melbourne's past as well as an understanding of its future needs.

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

The amendment supports or implements the following clauses of the Planning Policy Framework:

Clause 15 Built Environment and Heritage

Clause 15.03-1S Heritage conservation

- Objective: To ensure the conservation of places of heritage significance.
- Strategies:
 - Provide for the conservation and enhancement of those places that are of aesthetic, archaeological, architectural, cultural, scientific or social significance.
 - Identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme.
 - Ensure an appropriate setting and context for heritage places is maintained or enhanced.
 - Retain those elements that contribute to the importance of the heritage place.
 - Encourage the conservation and restoration of contributory elements of a heritage place.

How does the amendment support the Municipal Planning Strategy?

The amendment supports the Municipal Planning Strategy of the Nillumbik Planning Scheme:

Clause 02.03-5 Built environment under Heritage

- Protect and enhance places of heritage significance, including sites of Aboriginal heritage significance.

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

The amendment ensures that the Victorian Planning Provisions are correctly applied through the application of Heritage Overlay to reflect the current and future intended use of the land.

The Heritage Overlay is the most appropriate mechanism for recognising and protecting the heritage significance of the identified place.

The amendment is consistent with Planning Practice Note 01 in regard to the amendment mapping. The mapping identifies the dwelling and the remaining outbuilding and extends the overlay to the significant area.

The amendment is consistent with Planning Practice Note 01 in regard to applying the Heritage Overlay. The schedule to the overlay will be updated and annotated with regard to the extent of the curtilage.

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

The views of relevant agencies were sought during the public exhibition process of Amendment C138nill.

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

The *Transport Integration Act 2010* requires that a planning authority have regard to transport system objectives and decision-making principles where a planning scheme amendment is likely to have a 'significant impact on the transport system'. There are no statements of policy principles relevant to the amendment.

Resource and administrative costs

The amendment will have minimal impact on the resource and administrative costs of the responsible authority.

Where you may inspect this amendment

The amendment can be inspected free of charge at the Nillumbik Shire Council website at <http://participate.nillumbik.vic.gov.au/>; or

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

- Nillumbik Shire Council, 34 Civic Drive, Greensborough

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 or by contacting 1800 789 386 to arrange a time to view the amendment documentation.