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Principal: John Cicero  
Our Ref: JDC:EJM:211732



27 January 2022

By email only: Leigh Northwood [strategic.planning@nillumbik.vic.gov.au](mailto:strategic.planning@nillumbik.vic.gov.au); and  
Stuart R Menzies [stuart.menzies@delwp.vic.gov.au](mailto:stuart.menzies@delwp.vic.gov.au)

Dear Sir/Madam,

**Planning Scheme Amendment C138 to Nillumbik Planning Scheme  
14 Browns Lane, Plenty VIC 3090 (subject site)**

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We act on behalf of Greencor Holding No5 Pty Ltd, being the owner of 14 Browns Lane, Plenty (**subject site**).

Amendment C138 to the Nillumbik Planning Scheme seeks to introduce a permanent heritage overlay over the subject site. Prior to the exhibition of C138, an interim heritage overlay was introduced over the subject site via planning scheme amendment C137.

Our client was originally advised of the interim heritage protection by way of letter dated 2 July 2021 (**annexed herein**). This letter was received after our client had already submitted a planning permit application to Council to subdivide the subject site in five (5) lots.

The proposed plan of subdivision is **annexed herein**. This subdivision was designed in a manner to ensure that:

- Each of the five proposed lots has safe access to Browns Lane,
- The extent of the crossovers was minimised;
- Lot 3 provided a respectful buffer distance between the lot boundary and the existing dwelling to protect any heritage value of the existing dwelling and its surrounds.
- The building envelope applying to Lot 3 is designed such that an extension to the existing dwelling and other outbuilding/s are respectful to the heritage value of the existing dwelling.

Our client has sought the advice of Trethowan Heritage Architects to review the:

- Heritage report by Context (dated 2016);
- Proposed heritage citation;
- Proposed plan of subdivision and advise whether the extent of the heritage overlay could be appropriately limited to the whole of Lot 3 on the proposed plan of subdivision.

We **attach** the Trethowan advice.

Without limiting its rights, our client does not oppose the introduction of the heritage overlay in accordance with the exhibited statement of significance (**annexed herein**) as long as the extent of the heritage overlay is limited to Lot 3 on the proposed plan of subdivision.

Please do not hesitate to contact us with any questions.

Yours faithfully

**Edward Mahony**  
Associate.

## 14-26 Browns Lane, Plenty Precinct Statement of Significance

<b>Heritage Place:</b>	14-26 Browns Lane, Plenty	<b>PS ref no:</b>	HO270
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### What is significant?

14–26 Browns Lane, Plenty, built in 1924

Elements that contribute to the significance of the place include:

- original single-storey built form and scale, including hip and gable roof that extends down over the return verandah;
- original pattern of openings; and
- materiality that includes weatherboard cladding, double-hung sash windows (some with vertical glazing bars), decorative timber front door surround with side lites and over lites, turned timber verandah posts, timber gable-end roof vents, window hood, gablet with two small air vents, and red brick chimneys.

The 1969–70 rear extension is not significant.

### How is it significant?

The house at 14–16 Browns Lane, Plenty, is of local historical and representative significance to the Shire of Nillumbik.

### Why is it significant?

The house at 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 1920s, 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 goldmines, as well as tending their fruit trees. In 1927 a poultry farm was operating on the subject site. 14–16 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 its street frontage to Browns Lane (Criterion A).

The house at 14–26 Browns Lane, Plenty, is a largely intact representative example of a timber interwar bungalow. It has had 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 box bay window that sits under its own skillion roof with a window hood (Criterion D).

### **Primary source**

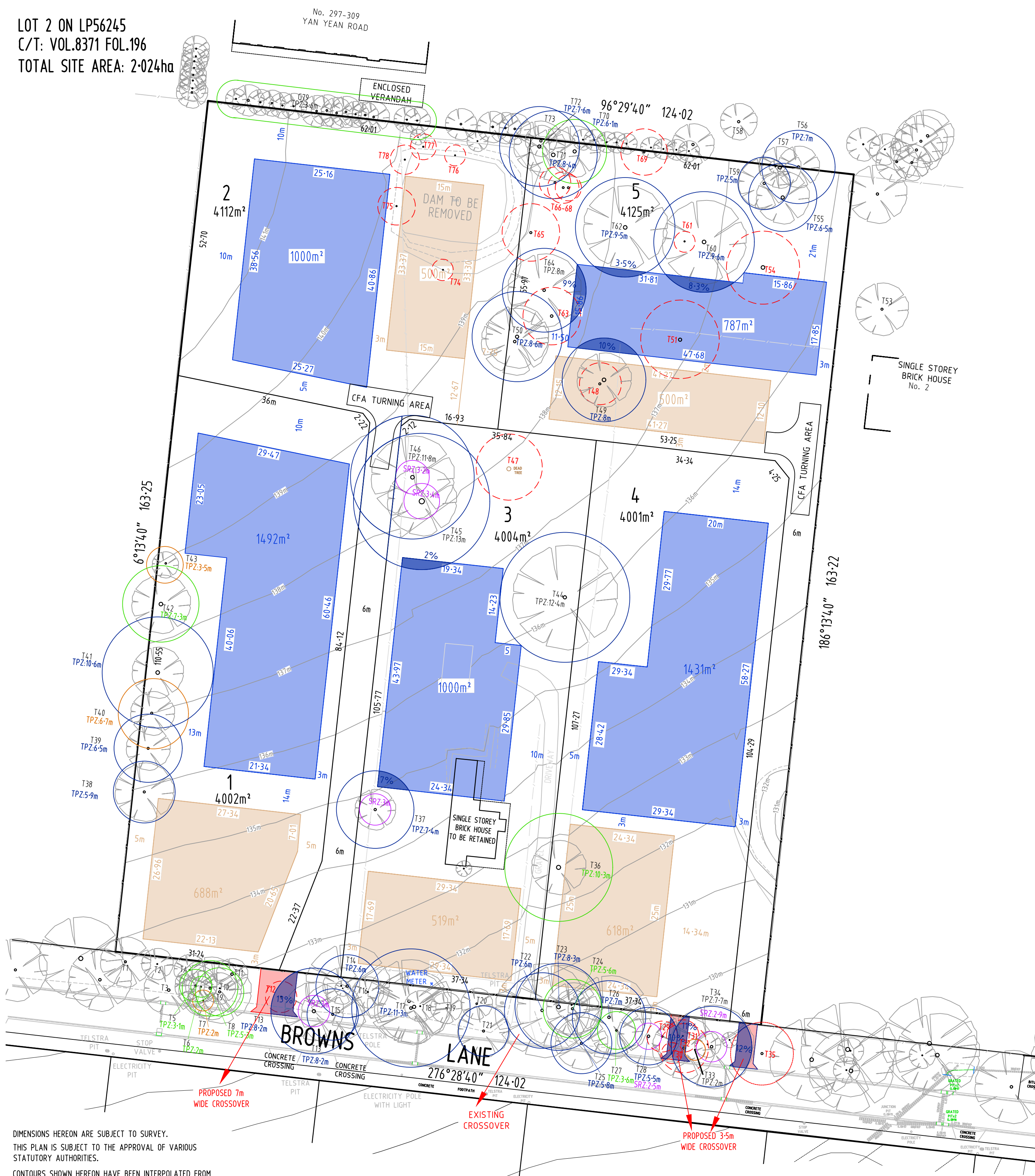
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*Nillumbik Shire Stage B Heritage Review/ Citation for 14-26 Browns Lane, Plenty.*

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



LOT 2 ON LP56245  
C/T: VOL.8371 FOL.196  
TOTAL SITE AREA: 2.024ha

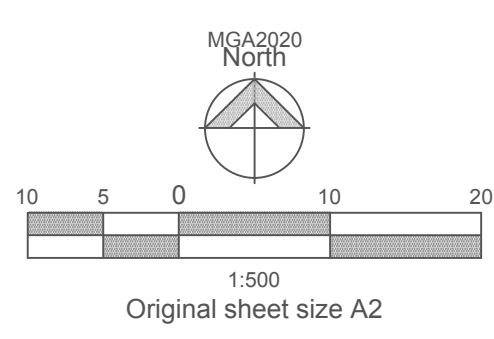


DIMENSIONS HEREON ARE SUBJECT TO SURVEY.  
THIS PLAN IS SUBJECT TO THE APPROVAL OF VARIOUS STATUTORY AUTHORITIES.  
CONTOURS SHOWN HEREON HAVE BEEN INTERPOLATED FROM ON-SITE LEVELS TAKEN IN METRES AND DECIMALS TO THE AUSTRALIAN HEIGHT DATUM ON 25/11/2020.  
CONTOUR VERTICAL INTERVAL 1 METRE.  
IMPLIED EASEMENTS UNDER SECTION 12 (2) OF THE SUBDIVISION ACT 1988 TO APPLY TO ALL OF THE LAND IN THE PLAN.

1	Prepared for town planning purposes	AHW	SC	22.06.2021
No.	Revision Description	Drawn	App'd	Date

- TREE TO BE REMOVED
- TPZ: TREE PROTECTION ZONE HIGH
- TPZ: TREE PROTECTION ZONE MODERATE
- TPZ: TREE PROTECTION ZONE LOW
- PROPOSED CROSSOVER
- PROPOSED BUILDING ENVELOPE
- PROPOSED EFFLUENT ENVELOPE

NOTE:  
CROSSOVERS WILL BE CONSTRUCTED ABOVE GRADE AND IN GRAVEL.



Millar & Merrigan authorize the use of this drawing only for the purpose described by the status stamp shown below. This drawing should be read in conjunction with all relevant contracts, specifications, reports & drawings.  
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Land Development Consultants

Civil Engineering  
Land Surveying  
Landscape Architecture  
Project Management  
Town Planning  
Urban Design

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14-26 BROWNS LANE, PLENTY  
NILLUMBIK SHIRE COUNCIL

26648P2  
VERSION 1  
SHEET 1 OF 1

FOR APPROVAL

PROPOSED SUBDIVISION PLAN



Enquiries: Julie Paget  
Telephone: 9433 3210

2 July 2021

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Dear [REDACTED]

**Re: Request for Report and Consent on Proposed Demolition at 14-26 Browns Lane, PLENTY VIC 3090**  
**Council Ref: 48/2021/29A**

I write in response to a request lodged with Nillumbik Shire Council (Council) on 16 June 2021, for Council's consent, as required by the *Building Act* 1993, to an application to demolish buildings and structures at 14-26 Browns Lane, Plenty.

The property/farm complex at 14-26 Browns Lane was identified as historically significant in the *North West Nillumbik Heritage Study* undertaken by Council in 2016. Consequently, I write to notify you that Council has requested that the Minister for Planning exercise the power under section 20(4) of the *Planning and Environment Act* 1987 to prepare, adopt and approve Amendment C137 to the Nillumbik Planning Scheme, which proposes to apply the Heritage Overlay (HO269) to 14-26 Browns Lane, Plenty on an interim basis.

As such a request has been made, Section 29B(1) of the Building Act 1993 requires consideration of any application for a building permit to demolish any dwelling or structures on the land **to be suspended**. Consideration of any application cannot recommence until a determination by the Minister for Planning on the planning scheme amendment is given. No demolition of any buildings or structures on the property can occur until consent is provided in accordance with the Building Act 1993.

I wish to advise that as a concurrent action to requesting interim protection, Council resolved at its meeting on 29 June 2021 to request that the Minister for Planning, under Section 8A of the Planning and Environment Act 1987, authorise the future preparation of Amendment C138 to the Nillumbik Planning Scheme, which proposes to apply the Heritage Overlay (HO269) to 14-26 Browns Lane, Plenty on a permanent basis.

This notice advises that council will not consider the request for the report and consent until the outcome of both applications to apply an interim and

permanent heritage control on the land has been made by the Minister of Planning.

The Registered Building Surveyor must suspend consideration of the request to issue a building permit pending the outcome of the two planning scheme amendment applications as required by Section 29B of the *Building Act* 1993.

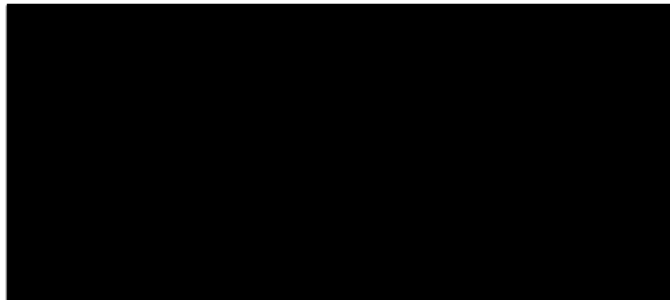
If you have any queries in relation to this matter, please contact Julie Paget (Strategic Planner) on 9433 3210 or [julie.paget@nillumbik.vic.gov.au](mailto:julie.paget@nillumbik.vic.gov.au)

Yours sincerely



**Rosa Zouzoulas**  
**Executive Manager Planning and Community Safety**

cc.



**RESPONSE TO REQUEST FOR REPORT AND CONSENT ON PROPOSED  
DEMOLITION UNDER SECTION 29A OF *THE BUILDING ACT 1993***

**To:**

**Building Surveyor registration number (if applicable):**

**Postal Address:**

**Phone No:**

**From: RELEVANT RESPONSIBLE AUTHORITY**

**NILLUMBIK SHIRE COUNCIL**

**ADDRESS OF PROPERTY**

**14-26 Browns Lane, PLENTY VIC 3090**

**PROPOSAL** (*brief written description of proposal to be provided – copy of application and plans must be attached*)

**Demolition of existing dwelling and surrounding structure**

**Building Permit Application Reference No:**

**C: SUSPENSION OF APPLICATION FOR BUILDING PERMIT FOR DEMOLITION**

This is to advise that:

An application has been made to the Minister for Planning under section 20 of the *Planning and Environment Act 1987* for an amendment to the planning scheme in relation to the land on which the building detailed above is located.\*

Consideration of the application for the building permit for the proposed demolition is suspended pending further notification from the responsible authority.



**Signed:** \_\_\_\_\_  
**Sarah Mayman - Planning Officer**

**Date:** 1 July 2021

12 December 2021



## Preliminary Heritage Advice – 14 Browns Lane, Plenty

Dear Nick,

The following preliminary heritage advice has been prepared to review the proposed Heritage Overlay at the subject property, as per fee agreement dated 22 July, 2021.

### 1 Introduction

The house and land has been nominated by Council for the Heritage Overlay, with a citation dated 2016. This review considers those relevant planning policies and good heritage practice.



Figure 1: Aerial view showing the extent of the subject site (indicated in red) in relation to Browns Lane and Yan Yean Road. Note that most of the trees and outbuildings shown within the extent have since been removed. Source: Google Maps.

### 2 Statutory Heritage Controls

#### 2.1 National Heritage List

The subject site is not included on the National Heritage List.



## 2.2 Victorian Heritage Register

The subject site is not included on the Victorian Heritage Register.

## 2.3 Shire of Nillumbik Planning Scheme

The subject site has been proposed for the local Heritage Overlay. Tree, fence and outbuilding controls have been proposed over the site.

There is no specific local Heritage Policy, however Clause 15.03-1S of the local Planning Scheme outlines the Heritage conservation Objective as follows:

*To ensure the conservation of places of heritage significance.*

### **Strategies**

*Identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme.*

*Provide for the protection of natural heritage sites and man-made resources.*

*Provide for the conservation and enhancement of those places that are of aesthetic, archaeological, architectural, cultural, scientific or social significance.*

*Encourage appropriate development that respects places with identified heritage values. Retain those elements that contribute to the importance of the heritage place. Encourage the conservation and restoration of contributory elements of a heritage place. Ensure an appropriate setting and context for heritage places is maintained or enhanced. Support adaptive reuse of heritage buildings where their use has become redundant.*

*Consider whether it is appropriate to require the restoration or reconstruction of a heritage building in a Heritage Overlay that has been unlawfully or unintentionally demolished in order to retain or interpret the cultural heritage significance of the building, streetscape or area.*

### **Policy guidelines**

*Consider as relevant:*

*The findings and recommendations of the Victorian Heritage Council.*

*The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance, 2013.*

### 2.3.1 Proposed Statement of Significance

The proposed statement of significance (2016) is as follows:

#### **What is significant?**

The farm complex located at 14 Browns Lane, Plenty. The original form, materials and detailing of the farmhouse, front fence and rear farming sheds and their setting contribute to the significance of the place.

#### **How is it significant?**

The farm complex located at 14 Browns Lane, Plenty is of local historic and aesthetic significance to the Shire of Nillumbik.

#### **Why is it significant?**

The farm complex at 14 Browns Lane is historically significant as a representative of the main development period of the Plenty area when closer settlement occurred and small holdings were establishing themselves. The property contains a rare surviving intact example of an Edwardian timber farmhouse built during the predominant closer settlement period of Plenty. (Criteria A & B)

The farm complex at 14 Browns Lane, Plenty is significant as a substantially intact farm complex from the 1920s. The farmhouse is a picturesque example of a farmhouse of the period and retains its original form and main features including the all encompassing

main hip roof, weatherboard cladding, timber framed windows, return verandah and front gable roofed wing. The early picket fence completes the picture of a 1920s farm small holding. The farming sheds to the rear demonstrate the operation of a mixed farming property and contribute to the setting of the place. (Criterion D)

### **3 History and Site Description**

#### **3.1 History**

The historical information has been summarised from the citation prepared by Shire of Nulimbik (2016). The area was subdivided around the time of the creation of Browns Lane c.1911-1917 by poultry farmers, the Brown brothers Alfred and Percival. The subject site was Lot 3, purchased by Thomas Varty Hughes, a farmer, in 1915. However Hughes enlisted in the A.I.F during the First World War and married whilst in England in 1919, and lived in Greensborough upon his return to Australia. The land remained undeveloped through the ownership of the Osmonds (1923-27). In 1927, the land was purchased by Cecil James Stewart, an auctioneer and farm salesman. Stewart likely built the house at this time. The land was sold in a sheriff's sale to absolve Stewart's debts for Alexander Younger in 1933, with the purchase going to Florence Caroline Coopert of Northcote in 1936. Edward Thomas Looney, farmer of Brown's Road Plenty, purchased in 1949, and Cecil Albert Monson, carpenter of Rosanna, in 1950. Monson was a long-time activist in the Carpenters Union. Dirk Marten and Maria Cornelia Leeuwrik purchased in 1960. The 15-acre lot was subsequently divided into three parts.

#### **3.2 Site Description**

The site was visited on 2 August 2021 and inspected both externally and internally. The house is substantially intact to its description in the heritage citation, however the fence, most outbuildings, and trees and garden setting have been removed.

The house itself is a weatherboard house with a hipped main metal sheet roof peaking to a gable form over a return verandah, with a projecting gable to the street. The house is Edwardian in character, and may be expressive of the conservative and less fashionable character of Plenty in the interwar period. It is also possible that some components of the house were removed from other locations. Edwardian details include window hood and detailing. The ventilation board in the front gable, and the diamond pane windows on the side, are more typically interwar. The return verandah extends around the rear of the original house, and as such demonstrates a more Colonial Revival style more typical of its original rural setting. The house has three doors, at front, side, and rear. The verandah is supported on turned timber posts and has a non-original lattice balustrade and side brick steps with timber railing. The house has a prominent central brick chimney, and a chimney over the kitchen to the rear.

The house has been extended later in the twentieth century (post-war), with a weatherboard addition distinguished by its aluminium frame windows and concrete foundation.

At the rear is a vernacular late twentieth century aluminium shed. There are no other extant outbuildings on the site.

There are a few native trees around the site.

There is no fence, and no surviving original landscaping.

The overall condition is fair to poor, with some timbers in need of replacing, and some water damage. The integrity of the fabric is fair, with some missing or severely damaged elements such as the front door.



Figure 2. The subject property viewed from the street. Source: Trethowan Architecture 2021.



Figure 3. View of the house on the eastern elevation. Source: Trethowan Architecture





Figure 4. View of the house from the rear. Source: Trethowan Architecture.



Figure 5. View of the house at the west elevation. The addition begins at the rear chimney and concrete. Source: Trethowan Architecture.



Figure 6. The aluminium shed at rear and post-war path. Source: Trethowan Architecture 2021.



Figure 7. View of the extant native trees at rear. Source: Trethowan Architecture 2021.



Figure 8. View of the side door and bay window under the verandah. Source: Trethowan Architecture 2021.



Figure 9. Remains of the front door. Source: Trethowan Architecture 2021.

### 3.3 Recommendations

The heritage significance of the place should be reconsidered by Council, given that the place has been considerably altered since the 2016 Study.

These alterations comprise the loss of key elements that are referenced in the citation, namely:

- Original fence
- Outbuildings
- Setting

This reconsideration should particularly be the undertaken given that the property was compared with other 'intact farmhouse and outbuildings' and was described as a 'farm complex' alongside the three other examples below:

- House, Farm, 50 Oatland Road, Plenty, 1920s intact farmhouse and outbuildings
- House, Farm, 145 River Avenue, Plenty, Inter-War brick farmhouse and outbuilding
- Nilgiris, 183 Yan Yean Road, Plenty, 1920s farmhouse, poultry farm buildings and associated with soldier settlement

The removal of fence, outbuildings, trees and garden setting mean that the subject site no longer presents as a good example of a 'farm complex'. A better comparator would be the weatherboard house, also of a later 'Edwardian' style, at 936 Heidelberg-Kinglake Road, Hurstbridge (HO76). That house demonstrates similar aesthetic qualities and historical interest as an Edwardian styled house constructed in the 1920s in a less affluent or fashionable outlying area of Melbourne during the period.

It is also noted that the house is in a state of disrepair, with the loss of the front door, and other minor issues that in total will likely necessitate the replacement of significant extents of surviving original fabric. The house is, however, broadly intact in terms of form and modest detailing to its interwar appearance.

### 3.4 Statement of Significance, Heritage Schedule Controls and Extent

It is recommended that errors in the Statement of Significance should be corrected. This includes removing the reference to the place as a 'farm complex' and the house as 'Edwardian', or at least clarification that this relates only to the style rather than the historical period. There is no surviving farm infrastructure on the site, and the historical connection to farming is tenuous and unproven. The house, built c. 1927 is also an Interwar (1919-39) period home, rather than Edwardian (1901-11). There is no original fence or outbuildings surviving, and no remnants of the original garden scheme. While trees in general may contribute to the setting of the place, there are no extant trees likely to be from the original planting or garden scheme, so existing trees are better managed under existing general tree guidelines. It is therefore recommended that fence, outbuilding and tree controls be removed from the proposed Schedule to the Heritage Overlay. The revised Statement of Significance would be as follows:

#### **What is significant?**

The house, to the extent of its original (c.1927) form, located at 14 Browns Lane, Plenty, is significant.

#### **How is it significant?**

The house located at 14 Browns Lane, Plenty is of local historic and aesthetic significance to the Shire of Nillumbik.

#### **Why is it significant?**

The house at 14 Browns Lane is historically significant as a representative of the main development period of the Plenty area when closer settlement occurred, and small holdings were establishing themselves. The property contains an example of an Interwar timber farmhouse built during the predominant closer settlement period of Plenty. (Criteria A & B)

The house at 14 Browns Lane, Plenty is significant as a substantially intact Edwardian styled house from the 1920s that demonstrates the conservative and less affluent character of the area as it was developing in the Interwar period. The house retains its original form and main features including the all encompassing main hip roof, weatherboard cladding, timber framed windows, return verandah and front gable roofed wing. (Criterion D)

The proposed extent of the HO is considered acceptable. However, based on the extant heritage on the site, it is also considered that the boundary of LOT 3 on the proposed subdivision plan by Millar Merrigan, which also proposes front open space and neighbouring setbacks behind the heritage extent of the former farmhouse, would provide an equally sound basis for the HO boundary protecting the key feature on the site, being the house, and its immediate setting. If the Heritage Overlay were to match the boundary of proposed Lot 3 and the proposed setbacks adopted as part of this plan, this would not be detrimental to protecting the Heritage fabric and there would be no benefit to any additional controls being imposed upon the other lots in the proposed subdivision.



### 3.5 Development Recommendations

These high-level recommendations are provided as broad guidelines for development at the site, should the site be added to the Heritage Overlay.

#### 3.5.1 Siting & Location

The house should remain at the current location, with its original siting and orientation to the street.

#### 3.5.2 Demolition Extent

The remaining vernacular twentieth century shed can be removed as it does not date to the period of significance (1920s). The rear wing of the house is a later addition and can also be demolished. Later additions to the house such as the balustrade, stairs, aluminium windows at west elevation, can also be removed provided replacements are sympathetic to the original house.

#### 3.5.3 Additions

Any addition should be separated or lightly connected to the original front form of the house and adopt heights and setbacks that avoid dominating or detracting from the original. The addition could be connected via a similar structural join to the existing post-war addition in terms of extent, but could adopt a more contemporary design that takes some cues from the house but does not replicate heritage features. It is recommended that a space be retained at the rear of the house to leave open the rear return verandah.

#### 3.5.4 Landscape

There are no extant original landscape elements. Any new landscape scheme should provide an appropriate setting for the heritage place. This could comprise:

- Front and side garden, with informal plantings and garden beds
- Minimise hard surfaces to necessary path and driveway

#### 3.5.5 Restoration

It is recommended that restoration works be undertaken on the front original c.1927 house. These may include restumping as necessary, replacing rotten timbers and making good the roof where necessary. The front door needs to be replaced. Replacement of materials should take place in consultation with a heritage professional.

### 3.6 Conclusion

The heritage significance of the property should be reassessed by Council considering the significant alterations to the property's setting that compromise its demonstration of a 'farm complex'.

If the heritage nomination is to proceed, the Statement of Significance should be updated to better address the current conditions and description of the house. An HO boundary limited to Lot 3 within the proposed subdivision plan would have no detrimental effect on its heritage significance.

In the event that the site is developed under the Heritage Overlay, the front main section of the house should be retained, with an appropriate garden setting immediately around, with particular attention to the front and eastern side setbacks. The rear wing addition can be demolished, and an extension or addition should adopt heights and setbacks that avoid dominating or detracting from the original house.

Yours sincerely,



Dr Aron Paul M.ICOMOS

**Trethowan Architecture**

## APPENDIX

Proposed Subdivision Plan with Council's proposed HO in orange and that proposed by the Applicant in blue. Source: Millar Merrigan.

