Planning and Environment Act 1987

# bANYULE PLANNING SCHEME

# AMENDMENT C152BANY

# EXPLANATORY REPORT

## Who is the planning authority?

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

The Amendment has been made at the request of Banyule City Council.

## Land affected by the Amendment

The Amendment applies to 22 Arden Crescent, Rosanna.

## What the amendment does

The Amendment applies a Heritage Overlay HO198 to 22 Arden Crescent, Rosanna on a permanent basis.

Specifically the amendment seeks to:

* Amend Map No. 10HO and 11HO to apply a Heritage Overlay HO198 to 22 Arden Crescent, Rosanna.
* Amend the Schedule to Clause 43.01 (Heritage Overlay) to include HO198.
* Amend the Schedule to Clause 72.04 (Documents Incorporated in this Planning Scheme) to include *22 Arden Crescent, Rosanna Statement of Significance*.

## Strategic assessment of the Amendment

## Why is the Amendment required?

The amendment is required to apply heritage protection to 22 Arden Crescent, Rosanna.

Banyule City Council received an application under Section 29A of the Building Act 1993 for full demolition of the dwelling at 22 Arden Crescent, Rosanna on 6 September 2018.

The heritage assessment of the house at 22 Arden Crescent known historically as ‘Arden Chase’ identifies the dwelling as a weatherboard Edwardian-era farmhouse built c1905. The assessment found that the subject house is substantially intact, has been carefully maintained as part of subdivision of the original land and has a strong community connection.

Significant elements include the form and materiality of the house and its tower, remaining original fabric, the visual prominence of the tower, the generous garden setting, and the relationship of the house to Arden Crescent which corresponds to the alignment of the original entry to the property.

The heritage assessment found that the house is of local historic significance to Banyule and recommends its inclusion in the Schedule to the Heritage Overlay of the Banyule Planning Scheme as an individually significant place.

Council has prepared this amendment to apply a permanent Heritage Overlay to 22 Arden Crescent, Rosanna to enable full consideration of the heritage significance of the property.

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

The amendment is consistent with the objectives of planning in Victoria, by implementing the objective detailed in Section 4(1) (d) of the Planning and Environment Act 1987, being:

*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.*

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

The amendment will not have any adverse effects on the environment.

The amendment will have positive social and cultural effects through the protection of this place in the planning scheme.

The application of the Heritage Overlay has an economic impact by affecting development of the site.

## Does the Amendment address relevant bushfire risk?

The land is not subject to bushfire risk or a Bushfire Management Overlay, and the amendment is unlikely to result in any significant increase to the risk to life, property, community, infrastructure or 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.

The amendment complies with Ministerial Direction No. 9 Metropolitan Planning Strategy which requires amendments to have regard to Plan Melbourne 2017-2050. The amendment is consistent with Direction 4.4 which recognises the contribution heritage makes to Melbourne’s distinctiveness and livability and advocates for the protection of Melbourne’s heritage places.

Consistent with this Ministerial Direction, this amendment proposes to apply the HO to protect a property with identified heritage value. The demolition of a property that contributes to the heritage significance of Banyule’s residential area would detrimentally impact on the municipality’s neighbourhood character and local history.

The amendment is not considered to compromise the implementation of the Metropolitan Planning Strategy. The amendment also addresses the requirements of *Ministerial Direction No. 11 – Strategic Assessment of Amendments*.

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

The amendment supports and implements the Planning Policy Framework (PPF).

State planning policies of relevance to this amendment include:

Clause 15.01-5S Neighbourhood Character: which seeks to recognise, support and protect neighbourhood character, cultural identity and a sense of place.

Clause 15.03-1S Heritage Conservation: seeks to ensure the conservation of places of heritage significance. This amendment would implement strategies to achieve this objective including:

* Identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme.
* Provide for the conservation and enhancement of those places which are of, aesthetic, archaeological, architectural, cultural, scientific, or social significance.
* Encourage appropriate development that respects places with identified heritage values.
* Ensure an appropriate setting and context for heritage places is maintained or enhanced.

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

The Local Planning Policy Framework (LPPF) recognises the contribution heritage places make to the character of the City and the need for conservation of these heritage places The amendment will achieve the objectives of the Local Planning Policy Framework including:

Clause 21.03-1 Cultural Heritage Objectives and Strategies of the Municipal Strategic Statement: to protect, conserve and enhance places and precincts that contribute to Banyule’s cultural heritage.

Clause 22.06 Cultural Heritage Conservation Policy. This policy applies to all properties affected by a Heritage Overlay in Banyule. This amendment will help achieve the Council’s cultural heritage objectives and implement the strategies identified in Clause 22.06.

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

The Heritage Overlay is the appropriate Victoria Planning Provision (VPP) to protect places of heritage significance.

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

The views of relevant agencies will be considered through the amendment process.

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

The amendment does not impact the Transport Integration Act 2010.

## 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 negligible impact on the resource and administrative costs of the responsible authority.

## Where you may inspect this Amendment

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

|  |  |  |
| --- | --- | --- |
| Banyule City Council  Level 3, 1 Flintoff Street  Greensborough  (above Watermarc) |  |  |

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.](http://www.dtpli.vic.gov.au/planning/planning-schemes/changing-the-planning-scheme/planning-documents-on-exhibition)

## 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 15 January 2019.

A written submission must be sent to:

Banyule City Council

PO Box 94

GREENSBOROUGH 3088

and marked with “**Submission to C152bany**”

Alternatively, an electronic submission can be made by using the form on the Banyule City Council website at:

## <https://shaping.banyule.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 commencing 25 March 2019
* panel hearing: Week commencing 22 April 2019