

BANYULE PLANNING SCHEME

AMENDMENT C165bany

EXPLANATORY REPORT

Who is the planning authority?

This amendment has been prepared by the 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 heritage places affecting 40 properties within the municipality as described in the mapping reference table at Attachment 1 to this Explanatory Report.

What the amendment does

The amendment seeks to implement the recommendations of the Banyule Heritage Study 2020 (RBA Architects and Conservation Consultants) by applying the Heritage Overlay (HO) on a permanent basis to 21 individual heritage places, introduces the Banyule Heritage Study 2020 as a background document and introduces Statements of Significance as incorporated documents for the 21 heritage places being added to the HO.

The amendment also reduces the extent of the HO for the existing heritage place HO82 'Taruna House' to reflect changes resulting from a recent planning permit.

Specifically, the amendment proposes to:

- Amend the Schedule to Clause 43.01 (Heritage Overlay) to include the following individual heritage places on a permanent basis:

HO Number	Description of place	Address
HO199	<i>Mother of God Catholic Church</i>	56 Wilfred Road, Ivanhoe East
HO200	<i>Green Mount Court (block of 16 flats)</i>	110 Maltravers Road, Eaglemont
HO201	<i>Royd</i>	61-63 Mount Street Eaglemont,
HO202	<i>Lobbs' Tearooms (former) and Diamond Valley Learning Centre</i>	1 Diamond Creek Road, Greensborough
HO203	<i>Stubley's Hay and Grain Store (former)</i>	96-104 Main Street, Greensborough
HO204	<i>Collins House</i>	45 Bronte Street, Heidelberg
HO205	<i>Welsh House</i>	4 Eton Court, Heidelberg
HO206	<i>Graceburn</i>	38 Quinn Street, Heidelberg
HO207	<i>Beddison/Swift House</i>	5 Crown Road, Ivanhoe
HO208	<i>Ivanhoe Scout Hall</i>	8A Wallace Street, Ivanhoe
HO209	<i>Willis House</i>	10 Gruyere Crescent, Ivanhoe East
HO210	<i>Purcell House</i>	17 Hartlands Road, Ivanhoe East
HO211	<i>Yann House</i>	21 Keam Street, Ivanhoe East

HO212	<i>Crittenden House</i>	30 Longstaff Street, Ivanhoe East
HO213	<i>Hiliard House</i>	6 Quandolan Close, Ivanhoe East
HO214	<i>St George Peace Memorial Church</i>	47 Warnccliffe Road, Ivanhoe East
HO215	<i>Okalyi House</i>	66 Old Eltham Road, Lower Plenty
HO216	<i>Lindsay Edward House</i>	149 Old Eltham Road, Lower Plenty
HO217	<i>Vera Knox House</i>	46 Panorama Street, Lower Plenty
HO218	<i>English House</i>	50-52 Philip Street, Lower Plenty
HO219	<i>Uglow House</i>	79 Buena Vista Drive, Montmorency

- Amend Planning Scheme Maps 3HO, 7HO, 12HO, 13HO, 15HO, 16HO, 19HO and 20HO to include 21 individual places on the HO on a permanent basis.
- Amend the Schedule to Clause 72.04 (Documents Incorporated in this Planning Scheme) to include the Statements of Significance for 21 places on the HO.
- Amend the Schedule to Clause 72.08 (Background Documents) to include the 'Banyule Heritage Study 2020'.
- Amend the schedule to Clause 43.01 (Heritage Overlay) and Planning Scheme Map HO15 to remove 581 Upper Heidelberg Road, Heidelberg Heights from the curtilage for HO82.

Strategic assessment of the amendment

Why is the amendment required?

The amendment seeks to implement the recommendations of the Banyule Heritage Study 2020 (adopted 20 September 2021) by applying the Heritage Overlay to 21 individual heritage places in the Banyule Planning Scheme.

The aim of the municipal-wide Banyule Heritage Study 2020 was to identify and assess potential heritage places and provide recommendations for their protection. Council engaged heritage consultants RBA Architects and Conservation Consultants to prepare the Heritage Study in 2020. The study included community consultation that invited nominations of potentially significant properties. It then considered preliminary assessments of 200 potential heritage places and, subsequently, a detailed assessment of the most significant (priority) individual places identified in the study. The study recommended 21 individual places for inclusion on the HO in the Banyule Planning Scheme. The majority of recommended places are post World War 2 and include a high proportion of modernist houses. Places include 16 residential properties, two churches, two community buildings and one commercial building.

The Heritage Study was prepared in accordance with Heritage Victoria guidelines, the Australia ICOMOS Charter for Places of Cultural Heritage Significance (the Burra Charter) and Practice Note 01 - Applying the Heritage Overlay (August 2018). The recommended places are considered to meet the requirements and threshold for local protection through the HO.

Tree controls have been recommended for eight places and limited internal controls have been recommended for nine places. The amount of internal control recommendations reflects the high number of architect-designed houses in the study group with bespoke detailing to the interior, including natural floor and wall finishes, as well as many specifically stained timber elements. These elements are integral to the overall design ethos employed in these houses.

The HO is the appropriate planning mechanism to protect the heritage values of the individual properties as the HO requires a permit to be granted for building and works, including demolition, that could affect the significance of these individual properties.

Places recommended for the HO in the study include the Mother of God Church at 56 Wilfred Road, Ivanhoe East for which interim heritage controls were approved under Amendment C163bany on 11 November 2021. The interim control expires on 1/12/2022.

Interim controls for the remaining 20 places are being sought concurrently via Amendment C164bany.

The amendment also proposes to reduce the extent of HO82 'Taruna House', which currently applies to 579 and 581 Upper Heidelberg Road, Heidelberg Heights. The land at 581 Upper Heidelberg Road, Heidelberg Heights was formerly a tennis court and gardens associated with the heritage building 'Taruna' at 579 Upper Heidelberg Road, Heidelberg Heights. In 2017, 581 Upper Heidelberg Road was subdivided and developed into four new townhouses under planning permit P493/2014. This site no longer contributes to the heritage significance of HO82, therefore there is no ongoing need for it to be included in the HO.

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

The amendment is consistent with the objectives of planning in Victoria, in particular the following objectives detailed in Section 4(1) of the *Planning and Environment Act 1987*, being:

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;

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

The amendment supports these objectives by applying permanent heritage controls to conserve places identified with local heritage significance.

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

Environmental Effects

The amendment will have a positive environmental impact by protecting places of historic significance and allowing the reuse and recycling of existing building stock. Retaining heritage buildings for adaptive reuse can achieve benefits through the substantial reduction in building, demolition and new construction waste, and the conservation of embodied energy in the existing building

Social Effects

The amendment will have a positive social effect through the preservation of historically and culturally significant places for the benefit of current and future generations. This will benefit the community by improving the understanding of local cultural history and thereby contributing to sense of place and local identity.

Economic Effects

The amendment is not expected to have any adverse or significant economic effects. Inclusion of a site within the HO does not prohibit changes to that site or building, but rather requires an application process whereby heritage considerations can be properly addressed, along with other factors before any decision on an application is made. This may limit development that is inconsistent with maintaining heritage values, which will improve the character of the building and the wider area. It is considered that economic impacts on future development will be offset by the contribution that the heritage place offers to the broader community.

Does the amendment address relevant bushfire risk?

The amendment is not proposing new use or development and is unlikely to result in any 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 - The Form and Content of Planning Schemes as identified at Section 7 (5) of the *Planning and Environment Act 1987*.

The amendment complies with Ministerial Direction No. 9 - Metropolitan Planning Strategy which requires amendments to have regard to *Plan Melbourne 2017-2050*. The amendment implements *Direction 4.4 of Plan Melbourne 2017-2050* by ensuring the Banyule Planning Scheme recognises

heritage places that contribute Melbourne's distinctiveness and liveability and protects Melbourne's heritage places.

The amendment 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 following objectives and strategies of the Planning Policy Framework.

- *Clause 11.01-1S Settlement*, which promotes the sustainable growth and development of Victoria and Metropolitan Melbourne through the consideration of the Metropolitan Planning Strategy. The amendment is consistent with Plan Melbourne 2017-2050, Direction 4.4 *Respect Melbourne's heritage as we build for the future*.
- *Clause 15.01-5S Neighbourhood Character*: recognise, support and protect neighbourhood character, cultural identity and a sense of place.
- *Clause 15.03-1S Heritage Conservation*: ensure the conservation of places of heritage significance". Relevant strategies identified to achieving this objective include:
 - *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.*

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

The amendment implements the Local Planning Policy Framework, particularly:

- *Clause 21.03-1 Cultural Heritage*
 - *Objective1 - Protection and conservation of Heritage Places. 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 the HO within the City of Banyule. This amendment will help achieve the Council's cultural heritage objectives and policy identified in Clause 22.06.

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

The application of the HO is the most appropriate mechanism for recognising and protecting the cultural heritage significance of the identified place. The assessment undertaken identifies that the property meets the threshold for local significance as a place that is important to the City of Banyule.

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

The views of relevant agencies will be sought through the public exhibition of the amendment.

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

The amendment it is not expected to have any impact on the transport system.

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 additional impact on the resource and administrative costs of the responsible authority. Additional work created by adding places to the HO can be resourced within current resources.

Where you may inspect this amendment

The amendment can be inspected free of charge at the Banyule Council website at shaping.banyule.vic.gov.au/

And

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

Banyule Customer Service Centre
Level 3, 1 Flintoff Street
Greensborough
(above Watermarc)

Banyule Customer Service Centre
Ivanhoe Library & Cultural Hub
275 Upper Heidelberg Road
Ivanhoe

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 18 March 2022.

A submission may be lodged online at shaping.banyule.vic.gov.au/Heritage or sent to Strategic Planning, Banyule City Council, PO Box 94, Greensborough, Victoria, 3088.

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 20 June 2022
- panel hearing: week beginning 25 July 2022

ATTACHMENT 1 - Mapping reference table

Location	Land /Area Affected	Mapping Reference
HO199	56 Wilfred Road, Ivanhoe East	Banyule C165bany hoMap20 Exhibition
HO200	1/110 Maltravers Road, Eaglemont	Banyule C165bany hoMap19 Exhibition
HO200	2/110 Maltravers Road, Eaglemont	Banyule C165bany hoMap19 Exhibition
HO200	3/110 Maltravers Road, Eaglemont	Banyule C165bany hoMap19 Exhibition
HO200	4/110 Maltravers Road, Eaglemont	Banyule C165bany hoMap19 Exhibition
HO200	5/110 Maltravers Road, Eaglemont	Banyule C165bany hoMap19 Exhibition
HO200	6/110 Maltravers Road, Eaglemont	Banyule C165bany hoMap19 Exhibition
HO200	7/110 Maltravers Road, Eaglemont	Banyule C165bany hoMap19 Exhibition
HO200	8/110 Maltravers Road, Eaglemont	Banyule C165bany hoMap19 Exhibition
HO200	9/110 Maltravers Road, Eaglemont	Banyule C165bany hoMap19 Exhibition
HO200	10/110 Maltravers Road, Eaglemont	Banyule C165bany hoMap19 Exhibition
HO200	11/110 Maltravers Road, Eaglemont	Banyule C165bany hoMap19 Exhibition
HO200	12/110 Maltravers Road, Eaglemont	Banyule C165bany hoMap19 Exhibition
HO200	13/110 Maltravers Road, Eaglemont	Banyule C165bany hoMap19 Exhibition
HO200	14/110 Maltravers Road, Eaglemont	Banyule C165bany hoMap19 Exhibition
HO200	15/110 Maltravers Road, Eaglemont	Banyule C165bany hoMap19 Exhibition
HO200	16/110 Maltravers Road, Eaglemont	Banyule C165bany hoMap19 Exhibition
HO201	61-63 Mount Street Eaglemont,	Banyule C165bany hoMap15 Exhibition
HO202	1 Diamond Creek Road, Greensborough	Banyule C165bany 001hoMap03_07 Exhibition
HO203	96-104 Main Street, Greensborough	Banyule C165bany 001hoMap03_07 Exhibition
HO204	45 Bronte Street, Heidelberg	Banyule C165bany hoMap15 Exhibition
HO205	4 Eton Court, Heidelberg	Banyule C165bany hoMap16 Exhibition
HO206	38 Quinn Street, Heidelberg	Banyule C165bany hoMap16 Exhibition
HO207	5 Crown Road, Ivanhoe	Banyule C165bany hoMap19 Exhibition
HO208	8A Wallace Street, Ivanhoe	Banyule C165bany hoMap19 Exhibition
HO209	10 Gruyere Crescent, Ivanhoe East	Banyule C165bany hoMap20 Exhibition
HO210	17 Hartlands Road, Ivanhoe East	Banyule C165bany hoMap20 Exhibition
HO211	21 Keam Street, Ivanhoe East	Banyule C165bany hoMap20 Exhibition
HO212	30 Longstaff Street, Ivanhoe East	Banyule C165bany hoMap20 Exhibition
HO213	6 Quandolan Close, Ivanhoe East	Banyule C165bany hoMap20 Exhibition
HO214	47 Warnccliffe Road, Ivanhoe East	Banyule C165bany hoMap20 Exhibition
HO215	66 Old Eltham Road, Lower Plenty	Banyule C165bany 002hoMap12_13 Exhibition
HO216	149 Old Eltham Road, Lower Plenty	Banyule C165bany hoMap13 Exhibition
HO217	46 Panorama Street, Lower Plenty	Banyule C165bany hoMap13 Exhibition
HO218	50-52 Philip Street, Lower Plenty	Banyule C165bany hoMap13 Exhibition
HO219	79 Buena Vista Drive, Montmorency	Banyule C165bany hoMap13 Exhibition
HO82	1/581 Upper Heidelberg Road,	Banyule C165bany 003d-hoMap15 Exhibition

	Heidelberg Heights	
HO82	2/581 Upper Heidelberg Road, Heidelberg Heights	Banyule C165bany 003d-hoMap15 Exhibition
HO82	3/581 Upper Heidelberg Road, Heidelberg Heights	Banyule C165bany 003d-hoMap15 Exhibition
HO82	4/581 Upper Heidelberg Road, Heidelberg Heights	Banyule C165bany 003d-hoMap15 Exhibition