

# **MITCHELL SHIRE COUNCIL**

## **Council Meeting Attachment**

### **SUSTAINABLE COMMUNITIES**

**20 JUNE 2016**

**7.1**

#### **WANDONG & HEATHCOTE JUNCTION HERITAGE GAP STUDY 2016**

**Attachment No: 1  
Mitchell C113 Explanatory Report**

## **MITCHELL PLANNING SCHEME**

### **AMENDMENT C113**

#### **EXPLANATORY REPORT**

#### **Who is the planning authority?**

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

#### **Land affected by the Amendment**

The Amendment applies to:

- Part, 85 Smedley's Lane, Clonbinane
- Part, 37 Glenburnie Avenue, Heathcote Junction
- 121 Rail Street, Heathcote Junction
- 159-61 Rail Street, Heathcote Junction
- 25 Range Avenue, Heathcote Junction
- 19 Wandong Avenue, Wandong
- 10A Dry Creek Crescent, Wandong
- 32 Wandong Avenue, Wandong
- 45 Affleck Street, Wandong
- Oak, Dry Creek Crescent, Wandong
- 21 Dry Creek Crescent, Wandong
- 33 Dry Creek Crescent, Wandong
- 39-51 Rail Street, Wandong
- Part, former quarry, The Dene, Wandong
- 16 Ryans Road, Waterford Park

#### **What the amendment does**

The Amendment implements the recommendations of the Wandong and Heathcote Junction Heritage Gap Study 2016.

In particular the Amendment makes the following changes to the Mitchell Planning Scheme:

- Apply the Heritage Overlay to the eleven (11) new heritage places identified *Wandong and Heathcote Junction Heritage Gap Study 2016*, on Planning Scheme Maps; 18HO, 20HO and 21HO.
- Apply the Significant Landscape Overlay (SLO) to a place identified in the *Wandong and Heathcote Junction Heritage Gap Study 2016*, on Planning Scheme Maps; 15SLO and 18SLO.
- Update planning scheme map 21HO to amend the boundaries of HO309, Wandong Precinct, Wandong
- Amend Clause 21.06- Built Environment and Heritage to reference the Wandong and Heathcote Junction Heritage Gap Study 2016.

- Amend Clause 22.02- Heritage Policy to reference the Wandong and Heathcote Junction Heritage Gap Study 2016.
- Introduce Schedule 4 (Government Quarry) to the Significant Landscape at Clause 42.03.
- Amend the existing Schedule to the Heritage Overlay at Clause 43.01 for purpose of including the eleven (11) new heritage places identified *Wandong and Heathcote Junction Heritage Gap Study 2016*.
- Amending the Schedule to Clause 61.03 to create new planning scheme map 18HO and 18SLO
- Amending the Schedule to Clause 81.01 – Incorporated Documents to refer to new revisions of the following incorporated documents:
  - Mitchell Shire Heritage Study Amendment C56 – Heritage Citations, April 2014
  - Mitchell Shire HO Permit Exemptions Incorporated Plan, 2014

## **Strategic assessment of the Amendment**

### **Why is the Amendment required?**

This Amendment includes making several changes to the Mitchell Planning Scheme, including the implementation of a new Significant Landscape Overlay, eleven (11) new Heritage Overlay's and the amendment to an existing Heritage Overlay.

The Amendment implements the recommendations of the Wandong & Heathcote Junction Heritage Gap Study 2016 which recommends:

- New Heritage Overlays be applied to the following properties;
  - Part, 85 Smedley's Lane, Clonbinane
  - Part, 37 Glenburnie Avenue, Heathcote Junction
  - 121 Rail Street, Heathcote Junction
  - 159-61 Rail Street, Heathcote Junction
  - 25 Range Avenue, Heathcote Junction
  - 19 Wandong Avenue, Wandong
  - 45 Affleck Street, Wandong
  - Oak, Dry Creek Crescent, Wandong
  - 21 Dry Creek Crescent, Wandong and 33 Dry Creek Crescent, Wandong
  - 39-51 Rail Street, Wandong
  - 16 Ryans Road, Waterford Park
- HO309, Wandong Precinct, Wandong, be amended to include the following properties in the precinct:
  - 10A Dry Creek Crescent, Wandong
  - 32 Wandong Avenue, Wandong
- New Significant Landscape Overlay be applied to the following property:
  - Part, former quarry, The Dene, Wandong

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

Section 4 of the *Planning & Environment Act 1987* sets out the objectives for planning in Victoria. Relevant objectives for consideration as part of this amendment include the need for Planning to:

- (b) *provide for the protection of natural and manmade resources and the maintenance of ecological processes and genetic diversity;*
- (d) *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) *balance the present and future interests of all Victorians.*

The Responsible Authority has the ability, and the responsibility, to identify, conserve and enhance buildings or places that are of historic value. The introduction of the Heritage Overlay on sites which are deemed as being of heritage value is a direct response to the objectives of the *Planning and Environment Act 1987*.

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

#### *Environmental Effects*

The amendment will not have any adverse effects on the environment. Protection of heritage places will retain existing urban infrastructure and resources. The conservation of heritage places promotes sustainable development through conservation of and reduced demand for new construction materials.

#### *Social Effects*

The amendment will have positive social effects through the protection of culturally significant heritage places for the benefit of current and future generations. The protection of these places in the Mitchell Planning Scheme will benefit the community by:

- Adding to the understanding of the cultural history within Wandong, Heathcote Junction and surrounding areas.
- Recognising and realising the positive contribution that historically significant places make to the Wandong, Heathcote Junction and surrounding areas.
- Providing a link to the past and creates a sense of place and cultural identify.

Conserving cultural heritage helps ensure that this sense of place and cultural identify may be appreciated by present and future generations.

#### *Economic effects*

It is not expected that the amendment will have any significant economic impacts. Conservation of heritage places has the potential to add to the tourism industry within Wandong, Heathcote Junction and surrounding areas.

The presence of the heritage overlay may however trigger the need for a planning permit that was previously not required, therefore costs associated with redeveloping heritage places may slightly increase.

### **Does the Amendment address relevant bushfire risk?**

Bushfire risk is not relevant given that the amendment is implementing a heritage study. The Amendment will not result in increased development potential for land which is identified as being at risk from bushfire.

The changes 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 preparation of this explanatory report has been completed in accordance with the content of Ministerial Direction No 11 - Strategic Assessment of Amendments.

The amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under Section 7(5) of the Act.

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

Clause 11.10-2 Hume Regional Growth Plan – Environmental assets. The amendment implements the policy by protecting the regions heritage assets.

Clause 15.03 – Heritage Conservation

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

The implementation strategies to achieve the State Policy objective include the following:

- *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, or otherwise of special cultural value.*
- *Encourage appropriate development that respects places with identified heritage values and creates a worthy legacy for future generations.*
- *Retain those elements that contribute to the importance of the heritage place.*
- *Encourage the conservation and restoration of contributory elements.*
- *Ensure an appropriate setting and context for heritage places is maintained or enhanced.*

The amendment implements the policy by identifying, assessing and documenting places of local heritage significance in Wandong, Heathcote Junction and surrounding areas.

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

The proposed amendment is consistent with the Local Planning Policy Framework including the Municipal Strategic Statement.

In particular, the proposed amendment is consistent with the following:

Clause 21.06-3 Heritage – by recognising places of local heritage significance in Wandong, Heathcote Junction and nearby areas and implementing the controls to conserve and protect these important places.

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

The application of the Heritage Overlay controls are the most appropriate VPP tool for the management of heritage places as identified in this amendment. The purpose of the heritage overlay includes:

- *To conserve and enhance heritage places of natural or cultural significance.*
- *To conserve and enhance those elements which contribute to the significance of heritage places.*
- *To ensure that development does not adversely affect the significance of heritage places.*

The amendment has been prepared in accordance with the VPP Practice Note titled 'Applying the Heritage Overlay, September 2012'.

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

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

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

The amendment is considered to address the relevant requirements of 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 should not add significantly to the resource and administrative costs of Council.

The amendment will result in the need for access to the services of a Heritage Adviser by both Council officers and the community. Council officers currently and will aim to continue to receive grant funding from Heritage Victoria, for funding the service of a Heritage Adviser to assist the community and Council officers when considering alterations to a heritage place.

Given the minor number of planning permit applications which are currently considered for sites within the Heritage Overlay and sites in Wandong and Heathcote Junction, the amendment is not considered to have a significant resource implication.

## **Where you may inspect this Amendment**

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

[Insert Council's details]

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.delwp.vic.gov.au/public-inspection).

**[The following sections of the Explanatory Report are only applicable to exhibited amendments and should be removed at the adoption stage]**

## **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 [insert submissions due date].

A submission must be sent to: [insert Council's address]

## **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: [insert directions hearing date]
- panel hearing: [insert panel hearing date] ]