

# **NILLUMBIK PLANNING SCHEME**

## **AMENDMENT C142**

### **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 50 Oatland Road, Plenty 3090.

A mapping reference table is attached at Attachment 1 to this Explanatory Report.

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

Specifically the amendment:

- Amends the Schedule to Clause 43.01 (Heritage Overlay) to apply the heritage overlay (HO271) to part of 50 Oatland Road, Plenty.
- Amends Planning Scheme Map No 008 to apply the new Heritage Overlay.
- Amends the Schedule to Clause 72.04 (Schedule to the Documents Incorporated in this Planning Scheme) to include a Statement of Significance for 50 Oatland Road, Plenty
- Amends the Schedule to Clause 72.08 (Backgrounds Documents) to include the citation for 50 Oatland Road, Plenty.

#### **Why is the amendment required?**

50 Oatland Road, Plenty, is historically significant for its association with the development of Plenty in the interwar years. As an intact timber bungalow built for William Charles and Priscilla Mary Lierse in c1928, originally on a 30 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 of 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). The Lierse family were early residents in the Diamond Creek and Plenty area involved in a variety of agricultural and other pursuits. They were heavily involved in the development of community life in Plenty from the mid-1920s.

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. This was the case for William Charles Lierse, who was an orchardist and sanitary contractor prior to establishing a poultry farm on the property by 1943. 50 Oatland Road provides important tangible 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 and setback to Oatland Road.

The house at 50 Oatland Road, 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 Dutch gable roof, and an extensive wrap-around verandah under the sweep of the main roof

line. The extant c1920s garage, poultry shed, and open setting evidence the use of the site as a poultry farm complex.

The significance of the property was assessed against the standard criteria contained in Practice Note 01 Applying the Heritage Overlay (August 2018) and is considered to meet the requirements and threshold for local protection through application of the Heritage Overlay. Consequently, Amendment C142nill is required to implement these findings by including the property in the Heritage Overlay.

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

### **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) and 12 (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

The following objectives in Section 12 (1) are relevant to the amendment:

- 12(1) A planning authority must—
  - (a) implement the objectives of planning in Victoria

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

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

The amendment is not expected to have any adverse environmental or economic effects.

### **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 1 on the Form and Content of Planning Schemes* under section 7(5) of the Act and *Ministerial Direction 11: Strategic Assessment Guidelines* under Section 12(2) of the Act.

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 for 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 Heritage*

Council seeks to:

- Protect and enhance places of heritage significance, including sites of Aboriginal heritage significance.
- Ensure new use and development do not impede on or detract from sites and features of Aboriginal cultural heritage and archaeological significance.

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

The amendment seeks to ensure 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 cultural 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 will be sought during the public exhibition process of this amendment C142.

### **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 Council website at [www.participate.vic.gov.au/amendment-c142](http://www.participate.vic.gov.au/amendment-c142)

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

Nillumbik Shire Council Offices

Civic Drive

Greensborough 3088

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](http://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 about the amendment. Submissions must be made in writing giving the submitter's name and contact address, clearly stating the grounds on which the amendment is supported or opposed and indicating what changes (if any) the submitter wishes to make.

Name and contact details of submitters are required for council to consider submissions and to notify such persons of the opportunity to attend council meetings and any public hearing held to consider submissions. The closing date for submissions is TBC. A submission must be sent to:

Amendment C142nill  
Rosa Zouzoulas  
Executive Manager Planning and Community Safety  
Nillumbik Shire Council  
Civic Drive (PO Box 476)  
Greensborough VIC 3088

Alternatively, a submission can be sent electronically via email to:  
[strategic.planning@nillumbik.vic.gov.au](mailto:strategic.planning@nillumbik.vic.gov.au)

A copy of every submission, redacted to remove each submitter's personal information, will be available at Council's Participate Nillumbik website (<https://participate.nillumbik.vic.gov.au/>) for any person to inspect free of charge for two months after the amendment comes into operation or lapses.

The full content of a personal submission including any name/s is a public record and may be made available for public inspection and included in Council business papers. Contact information will be redacted. Names will not be redacted unless anonymity is expressly requested and confidentiality granted to a submission.

The full content of a submission made on behalf of an organisation in relation the amendment, including the name of the organisation is a public record and may be made available for public inspection and included in Council business papers.

Not providing the mandatory information will mean that your submission cannot be accepted.

You have the right to access and correct your personal information. Enquiries for access should be made to the Privacy Officer 9433 3271, [privacy@nillumbik.vic.gov.au](mailto:privacy@nillumbik.vic.gov.au) or PO Box 476, Greensborough Vic 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: TBC
- panel hearing: TBC

**ATTACHMENT 1 - Mapping reference table**

<b>Location</b>	<b>Land /Area Affected</b>	<b>Mapping Reference</b>
Plenty	50 Oatland Road	Nillumbik C142 001hoMap8 Exhibition