

## GREATER BENDIGO PLANNING SCHEME

### AMENDMENT C234

#### EXPLANATORY REPORT

#### Who is the planning authority?

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

#### Land affected by the amendment

The amendment affects part of the land at 40 Harley Street, Strathdale which is approximately 1.9 hectares in size. The property is in the General Residential Zone and no Overlays apply. The site is located in a residential suburb of Bendigo and surrounded on all sides by existing residences in the General Residential Zone.

The site, also known as Nanga Gnulle, has previously been used and developed as a wedding and function venue with large garden setting. There are several buildings on the site, one main mud brick residence and several other residential buildings, a hall, and sheds.

The main dwelling, constructed of mud brick and reclaimed materials is considered of heritage significance for its association with architect Alistair Knox, and use of recycled materials which provide a unique architectural style. The overlay is proposed to be applied to the dwelling and a 5 metre curtilage around it (approximately 650m<sup>2</sup>).

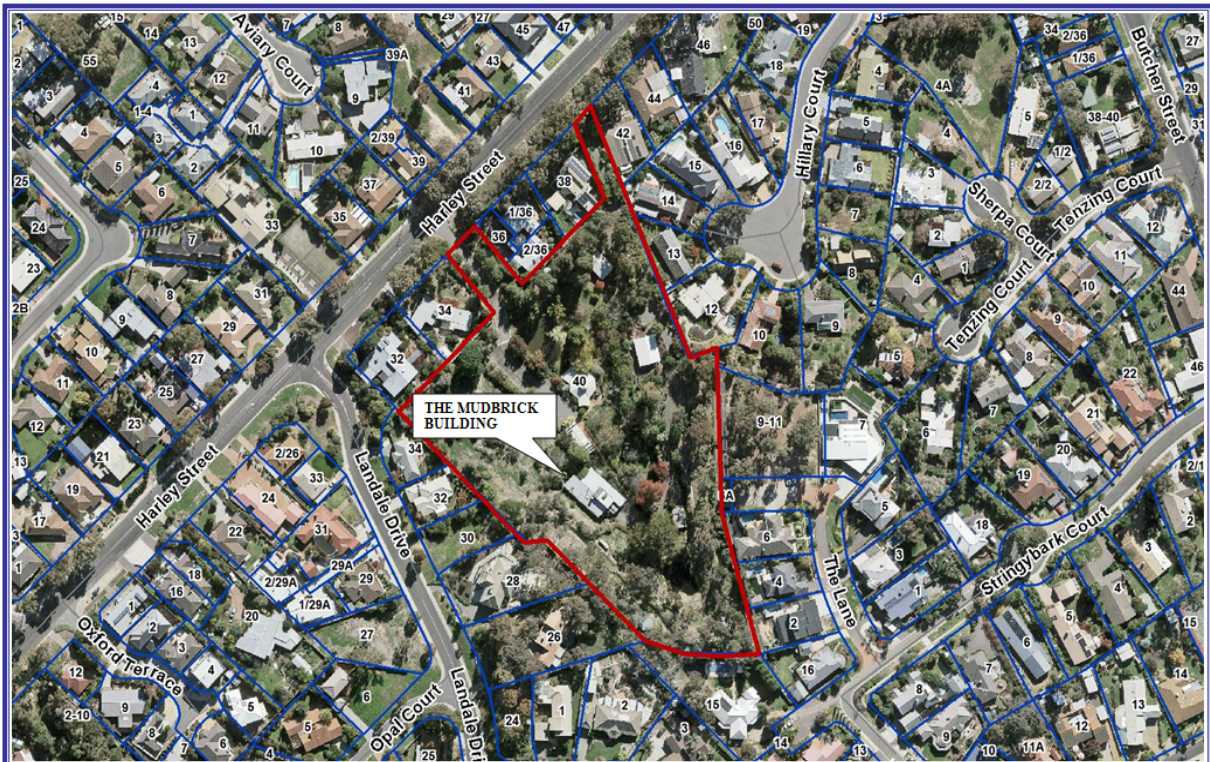


Figure 1: 40 Harley Street Strathdale

## What the amendment does

The amendment proposes to:

- Apply a Heritage Overlay to part of the land at 40 Harley Street, Strathdale as shown on Planning Scheme Map 24HO.
- Amend Clause 21.10 of the Municipal Strategic Statement to include a new reference document titled *Nanga Gnulle Heritage Citation*, March 2017.
- Amend the Schedule to Clause 43.01 (Heritage Overlay) to include a new heritage place HO915 “Nanga Gnulle”, split-level timber and mud brick house with reclaimed materials, 40 Harley Street, Strathdale.

## Strategic assessment of the amendment

### Why is the amendment required?

The amendment is required to protect the heritage values of the dwelling and its immediate surrounds and to ensure that the heritage values are considered in any planning permit application on the affected land.

A heritage assessment of the land, including the dwelling, was conducted on behalf of the City Statutory Planning Department following an application for a planning permit to subdivide the land into fifteen residential lots. The findings of this assessment are contained in the report *Nanga Gnulle 40 Harley St, Strathdale – Heritage Citation* (Built Heritage P/L, February/March 2017) and indicates that the mud brick and recycled materials dwelling located on the land are of local significance to the City of Greater Bendigo because of the following:

- It is a rare surviving example of a mud brick and reclaimed residence designed by Alastair Knox, built in 1973-74.
- The reclaimed building materials were salvaged from various structures in the Bendigo area and have the potential to yield information that contributes to an understanding of the region’s rich history.
- The house has a distinctive aesthetic style associated with the self-building subculture, characterised by use of reclaimed or scratch built (mud brick) materials. It is one of the earlier built dwellings of the era, which is important in exhibiting particular aesthetic characteristics of this dwelling style.
- The house is significant as an excellent and notably intact example of the work of Alistair Knox, residential architect, who specialised in mudbrick construction, reclaimed materials use, and self-building construction. This is one of two examples in the Greater Bendigo area, and notably the earliest, largest and best example in the municipality.

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

The amendment implements the objectives of Section 4 of the *Planning and Environment Act 1987* (the Act), particularly the need for planning to:

- b) *Provide for the protection of natural and man-made 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 amendment will identify, conserve and enhance the building that is of historic value, by strengthening the Local Planning Policy Framework through the introduction the Heritage Overlay on the dwelling which is deemed as being of heritage value. Council is directly responding to the above objectives to protect the future interests of its residents.

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

The amendment will have positive environmental, social and economic effects for the Strathdale community, and for the City of Greater Bendigo as a whole. The application of a Heritage Overlay will promote retention and use of this historic building of local significance. The proposed 5m curtilage surrounding the house is considered a suitable amount that allows for retention of the building in the immediate setting whilst applying flexibility to for development.

Protection of this heritage place will retain existing urban infrastructure and resources and contribute to the richness and diversity of the built environment. The conservation of heritage places also promotes sustainable development through the conservation of original materials and reduced demand for new construction materials.

Heritage places contribute to the character, amenity and identity of Greater Bendigo and enhance its appeal as a place to live, work and visit. The amendment will have positive social effects as it seeks to protect and enhance the cultural heritage of Greater Bendigo for future generations; it will also improve community awareness about the importance and value of heritage places.

Although some additional costs may be borne by property owners through the need to obtain a planning permit under the new Heritage Overlay, the Amendment will not result in any significant adverse economic impacts. The amendment will allow for the land to be further subdivided and developed whilst providing protection for the heritage asset. The place is also included in the heritage permit incorporated plan which provides for a range of permit exemption for minor works. New places included within the Heritage Overlay will also become eligible for the council's Heritage Restoration Loan Scheme.

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

The purpose of the amendment is to ensure the protection of the property with identified heritage significance. Given the nature of the amendment, it will not result in increased development potential, or change the use of land, which is identified as being at risk from bushfire.

It is considered that bushfire risk is not affected by the implementation of the recommendations of the study to apply heritage controls to properties.

## **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*, May 2017 under Section 7(5) of the Act.

The amendment is also consistent with Minister's Direction No. 11 *Strategic Assessment of Amendments* under Section 12(2) of the Act. The explanatory report evaluates and includes a discussion about how the amendment addresses a number of strategic considerations and assesses the impact of the new HO915 on the resource and administration costs of the responsible authority.

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

The amendment is supported by the following clauses:

Clause 11.14 – *Loddon Mallee South* and more specifically Clause 11.14-5 – *Natural and built environment* which has the objective: *To protect and enhance the natural and built environment.* Importantly, the amendment supports and implements the *Loddon Mallee South Regional Growth Plan, 2014* by addressing Principle 6: *Protect and enhance our natural and built environment*, of the plan which states that '*settlement growth and development will occur in sympathy with environmental and heritage assets.*' The

amendment, by identifying and protecting our cultural heritage assets implements a key future direction of the growth plan by protecting *'identified visually important landscapes, and cultural and built heritage places'*.

Clause 15 - *Built Environment and Heritage* of the State Planning Policy Framework. The introduction to this clause notes that *'Planning should ensure all new land use and development appropriately responds to its landscape, valued built form and cultural context, and protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value.'*

Clause 15.01-5 - *Cultural identity and neighbourhood character* which has the objective: *To recognise and protect cultural identity, neighbourhood character and sense of place.* Related strategies include:

- *Ensure development responds to its context and reinforces special characteristics of local environment and place by emphasising:*
  - *The underlying natural landscape character.*
  - *The heritage values and built form that reflect community identity.*
  - *The values, needs and aspirations of the community.*

The objective for clause 15.03-1 - *Heritage Conservation* is to *'ensure the conservation of places of heritage significance.'* On this basis, it identifies a number of strategies relevant to this amendment 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, or otherwise of special cultural value.*

The amendment implements the State Planning Policy Framework through the identification and protection of significant heritage places, sites and buildings. The amendment will ensure that development respects the character of heritage places.

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

Clause 21.08 *Environment* establishes the heritage significance of Greater Bendigo through the *Greater Bendigo Thematic Environmental History, 2013* and sets the framework for protecting heritage places.

This Clause includes a number of objectives and strategies to guide the identification, protection and management of heritage, including the following objectives:

- *To identify and protect heritage places with Aboriginal and historic cultural value as well as natural value.*
- *To protect and enhance the municipality's heritage for future generations.*

The amendment also implements the objectives of Clause 22.06 *Heritage Policy*:

- *To retain heritage assets for the enjoyment, education and experience of residents, visitors and future generations of the municipality.*
- *To ensure that new development is sympathetic with the appearance and character and maintains the significance of heritage places, including surrounding precincts.*
- *To encourage the preservation, maintenance, restoration and where appropriate, reconstruction of heritage places.*
- *To encourage the sympathetic re-use and adaptation of heritage places so that such places are maintained and enhanced.*

The amendment supports the above policies because it will ensure that the heritage values of the existing dwelling are maintained and protected if the land is subdivided or further developed.

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

The amendment makes proper use of the Victoria Planning Provisions by implementing changes which clarify and strengthen the role of the provisions in the Greater Bendigo Planning Scheme.

The use of the Heritage Overlay is the most appropriate Victoria Planning Provision tool to identify and protect sites of heritage significance and is consistent with the Planning Practice Note 1: *Applying the Heritage Overlay*, July 2015. 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.*

The amendment supports the above by identifying and encouraging the conservation of a heritage place of local significance.

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

The amendment will be exhibited to all relevant agencies and referral authorities in accordance with the requirements of the Act including Heritage Victoria.

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

The requirements of the *Transport Integration Act 2010* apply where a planning scheme amendment is likely to have a significant impact on the transport system.

This amendment makes changes to heritage controls applying to places of cultural heritage significance and is not expected to have any impact upon the objectives, strategies and decision making principles 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 will have a minimal impact on the future resources and administrative costs of the responsible authority as permit activity will not significantly change.

### **Where you may inspect this amendment**

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

The Planning Department Office, City of Greater Bendigo, Hopetoun Mill, 15 Hopetoun St, Bendigo or

<http://www.bendigo.vic.gov.au/residentsandservices/planningservices/Planningschemeamendments>

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).

### **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 **Monday 4 December 2017**.

A submission must be sent to: City of Greater Bendigo Planning Department, PO Box 733, Bendigo, Vic 3550, or via email to [psamendments@bendigo.vic.gov.au](mailto:psamendments@bendigo.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 of 26 February 2018.
- Panel hearing: week of 19 March 2018.