

WHITTLESEA PLANNING SCHEME
AMENDMENT C245WSEA
EXPLANATORY REPORT

Who is the planning authority?

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

The amendment has been made at the request of Whittlesea City Council.

Land affected by the amendment

The amendment applies to 90 and 100 Bindts Road, Wollert.

What the amendment does

The amendment applies the Heritage Overlay to land at 90 Bindts Road, Wollert (HO204) on a permanent basis and amends the existing heritage controls at 100 Bindts Road, Wollert (HO161).

Specifically, the amendment:

1. Amends the schedule to Clause 43.01 (Heritage Overlay) and Planning Scheme Maps 17HO to apply the Heritage Overlay to 90 Bindts Road, Wollert.
2. Amends the Schedule to Clause 43.01 (Heritage Overlay) for existing HO161 at 100 Bindts Road to replace the name 'Farmhouse' with 'Bindts Farm'.
3. Amend the Schedule to Clause 72.04 (Documents incorporated in this planning scheme) to incorporate statements of significance for the individual places proposed for inclusion in the Heritage Overlay:
 - *Ewert's Farm, 90 Bindts Road, Wollert, Statement of Significance, May 2020*
 - *Bindts Farm, 100 Bindts Road, Wollert, Statement of Significance, May 2020*

Why is the amendment required?

The amendment is required to place permanent heritage controls over a proposed heritage place at 90 Bindts Road which is identified as having heritage value, and to correct an identification error of a heritage place to which the Heritage Overlay already applies at 100 Bindts Road (HO161).

Council engaged Heritage Consultant Graeme Butler to review the area to ascertain its heritage value. A 2019 report titled; '*Assessment of heritage significance 40-152 Bindts Road, Wollert*' confirms the proposed heritage place at 90 Bindts Road meets the threshold for local historic and aesthetic significance, and satisfies Criterion A to E, and G to H. The Ewert farm complex at 90 Bindts Road was erected for German immigrants in the 1860s and 1880s, and forms part of the historically valuable German immigrant group of 90-130 Bindts Rd.

The 2019 heritage assessment by Graeme Butler also identified an error in the identification of the existing HO161 heritage citation for 100 Bindts Road, which was previously thought to be Ewert's Farm, but is now known to be Bindts Farm. The report clarifies that the two farms are linked by sisters Maria and Magdalena Maria of the Rosel family of Westgarthtown (now part of Thomastown and Lalor) who each married Carl Ewert of 90 Bindts Road, and Christian Bindt of 100 Bindts Road respectively.

The Council has received a planning permit application for a proposed multi lot subdivision (116 lots including 1 super lot) at 40-100 Bindts Road, Wollert. The Council also received two separate requests for consent to demolish the dwelling and outbuildings identified for heritage protection at 90 Bindts Road, under Section 29A of the *Building Act 1993*. The demolition requests were both suspended, and a request submitted to the Minister for Planning to apply interim heritage controls.

While this amendment for permanent heritage controls is progressed, interim heritage controls have been sought (via Amendment C243wsea) for the proposed heritage place at 90 Bindts Road, Wollert, as it is subject to development pressure.

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 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;

The amendment will meet this objective by protecting the cultural heritage values of 90 Bindts Road, Wollert, which has been identified as having local historic and aesthetic significance to the City of Whittlesea.

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

The amendment provides positive environmental outcomes by protecting a heritage place identified as having potential heritage significance in the City of Whittlesea.

The amendment provides positive social outcomes by ensuring any future subdivision and development on the land responds to the identified heritage values, so it can be preserved and appreciated by future generations.

There may be economic effects on the owners of the property however the wider economic benefits of retaining the identified buildings and structures will result in net community benefit for the wider community.

Does the amendment address relevant bushfire risk?

This Amendment is not expected to impact on bushfire risk.

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 is consistent with Ministerial Direction No. 9 – Metropolitan Planning Strategy which seeks to ensure that planning scheme amendments have regard to Plan Melbourne. The amendment does not compromise any of the policies or initiatives contained in the Strategy and is consistent with policies which seek to protect heritage (Direction 4.7).

The amendment is consistent with Ministerial Direction No. 11 - Strategic Assessment of Amendments which provides a consistent framework for the evaluation of an amendment and the outcomes it produces. The Strategic Assessment Guidelines outlined in this Direction are incorporated into this Explanatory Report.

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

The amendment supports the Planning Policy Framework as follows:

Clause 15.03-1S (Heritage Conservation) seeks to ensure the conservation of places of heritage significance as well as their setting and context. The amendment is entirely consistent with this

directive, seeking to ensure the accurate application of the heritage overlay to that part of the subject site identified as having cultural heritage significance.

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

The amendment supports the Local Planning Policy Framework, and Municipal Strategic Statement (MSS) forming part of the Whittlesea Planning Scheme as follows:

Clause 21.08-4 requires protection and recognition of the municipality's heritage assets. The amendment upholds the vision to protect and enhance places of heritage significance. This amendment also supports Clause 22.04 Heritage Conservation policy through identifying and protecting the municipalities Heritage assets.

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

The heritage overlay is the most appropriate mechanism for recognising and protecting the cultural heritage significance of the identified buildings and structures.

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 requirements of the Transport Integration Act 2010 have been considered and there are no implications.

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 minimal impact on resource and administrative costs as it only includes one (1) additional place under the Heritage Overlay for consideration and corrects the identification of another property already covered by the Heritage Overlay.

Where you may inspect this amendment

The amendment can be inspected free of charge at the Whittlesea City Council website at <https://www.whittlesea.vic.gov.au/>.

The amendment can be inspected free of charge at the Department of Environment, Land, Water and Planning website at www.planning.vic.gov.au/public-inspection.