

SURF COAST PLANNING SCHEME
GOLDEN PLAINS PLANNING SCHEME
AMENDMENT GC183
EXPLANATORY REPORT

Who is the planning authority?

This amendment has been prepared by the Surf Coast Shire Council, which is the planning authority for this amendment.

The proposed amendment has been made at the request of Surf Coast Shire Council.

Land affected by the amendment

The proposed amendment applies to all land affected by a Heritage Overlay (HO) in the Surf Coast Shire, and specifically affects:

- Bellbrae Cemetery Monumental Masonry, 65 School Road, Bellbrae (HO6)
- Ballanclea Homestead, 250 Ballanclea Road, Barrabool (HO7)
- Berramongo, 100 Crooks Road, Barrabool (HO8)
- Foymount Homestead, 795 Barrabool Road, Barrabool (HO9)
- Merrawarp Homestead, 50 Honeys Road, Barrabool (HO10)
- Stanbury Barn, 130 Devon Road, Barrabool (HO12)
- Tasman Homestead, 755 Barrabool Road, Barrabool (HO13)
- Wescott's Stable, 850 Barrabool, Barrabool (HO14)
- Scammell House, 24 Pride Street, Torquay (HO16)
- Colonial Bank, 33 Main Street, Winchelsea (HO19)
- St Thomas Anglican Church and School Room, 31 Barwon Terrace, Winchelsea (HO20)
- Winchelsea Uniting Church and Manse, 30 & 34 Hesse St, Winchelsea (HO21)
- Murdeduke Homestead, 730 Cressy Road, Winchelsea (HO24)
- Wormbete Homestead including Outbuildings and Gardens, 565 Winchelsea-Deans Marsh Road, Winchelsea (HO25)

The proposed amendment also applies to:

- Pollocksford Bridge, Pollocksford Road, Gnarwarre (Surf Coast Shire) and Stonehaven (Golden Plains Shire). The bridge is partially located in two municipal council areas: Surf Coast Shire and Golden Plains Shire.

What the amendment does

The proposed amendment implements the recommendations of Stage 2C of the Surf Coast Shire Heritage Study (2020).

In the **Surf Coast Planning Scheme** the amendment:

- Amends map 5HO to apply a Heritage Overlay to Pollocksford Bridge, Pollocksford Road, Gnarwarre.
- Amends map 8HO to extend the existing Heritage Overlay 21 to Winchelsea Uniting Church and Manse, 30 & 34 Hesse St, Winchelsea to cover the entirety of the church building.
- Amends Clause 02.03-5 (Built environment and heritage) of the Municipal Planning Strategy (MPS) to provide enhanced context relating to cultural heritage in the Shire as well as an overriding objective.

- Amends Clause 15.03-1L (Heritage conservation) in the Planning Policy Framework to introduce detailed strategies to guide decisions where a planning permit is triggered under the Heritage Overlay. This policy will apply to all land affected by a Heritage Overlay.
- Amends the Schedule to the Heritage Overlay (Clause 43.01) to:
 - Include a new heritage place (HO164) known as Pollocksford Bridge, Pollocksford Road, Gnarwarre in the Heritage Overlay.
 - refer to the Incorporated Document '*Stage 2C of the Surf Coast Shire Heritage Study, Barrabool, Torquay, Bellbrae and Winchelsea, Victoria. Volume 2: The Heritage Citations, July 2020*' next to the relevant properties.
 - introduce internal controls to Westcott's Stable, 850 Barrabool Road, Barrabool (HO14) and Scammell House, 24 Pride Street, Torquay (HO16).
 - introduce external paint controls to Colonial Bank, 33 Main Street, Winchelsea (HO19) and Berramongo, 100 Crooks Road, Barrabool (HO8).
 - make correctional amendments including the addresses of Foymount Homestead, 795 Barrabool Road, Barrabool (HO9) and Winchelsea Uniting Church and Manse, 30 & 34 Hesse St, Winchelsea (HO21); and the spelling of the property name 'Scammell', 24 Pride Street, Torquay (HO16).
 - Introduce additional application requirements.
- Amends the schedule to Clause 72.04 within the Operational Provisions to include a new Incorporated Document titled '*Stage 2C of the Surf Coast Shire Heritage Study, Barrabool, Torquay, Bellbrae and Winchelsea, Victoria. Volume 2: The Heritage Citations, July 2020*'.

In the **Golden Plains Planning Scheme** the amendment:

- Amends map 28HO to apply a Heritage Overlay to Pollocksford Bridge, Pollocksford Road, Stonehaven.
- Includes a new heritage place (HO173) known as Pollocksford Bridge, Pollocksford Road, Stonehaven in the Heritage Overlay by amending the schedule to the Heritage Overlay (Clause 43.01).
- Amends the schedule to Clause 72.04 within the Operational Provisions to include the *Pollocksford Bridge Statement of Significance, Ecology and Heritage Partners Pty Ltd, July 2020* as an Incorporated Document.

Strategic assessment of the amendment

Why is the amendment required?

The proposed amendment is required to implement the recommendations of '*Stage 2C of the Surf Coast Shire Heritage Study, Barrabool, Torquay, Bellbrae and Winchelsea, Victoria. Volume 1: The Report, July 2020*' (Ecology and Heritage Partners Pty Ltd, 2020). One of the recommendations of the report is to undertake a planning scheme amendment to implement a number of changes in the Surf Coast Planning Scheme to ensure adequate protection of heritage assets. The amendment is required to apply these changes.

The Stage 2C study implemented the priority recommendation from the previous heritage study (Stage 2B) to prepare heritage citations to include statements of significance for 14 heritage places that are subject to existing Heritage Overlays but have scant or no heritage assessment to support their significance. The approval of planning scheme amendment VC148 in 2018 changed the format of the Heritage Overlay and gave greater weight to statements of significance. These recent reforms require clear justification of the significance of a place for its inclusion in the Heritage Overlay.

The study involved a comprehensive assessment of the cultural heritage significance of these 14 places. Heritage Citations have been prepared for each place, which set out the history and a description of each place, a comparative analysis and a Statement of Significance. The statements support and strengthen the existing heritage overlays and establish the significance of the particular place, and provide a basis to guide any future planning permit applications against the decision guidelines of the Heritage Overlay. These will be used as a tool for assessing any future planning permit applications and to protect the features that are considered significant of each place.

Based on these assessments, the final report makes a number of recommendations for applying and implementing the statements of significance to ensure the best protection of the cultural heritage places within the Shire. The report recommends that the document '*Stage 2C of the Surf Coast Shire Heritage Study, Barrabool, Torquay, Bellbrae and Winchelsea, Victoria, Volume 2: The Heritage*

Citations, July 2020 is incorporated into the Planning Scheme. An amendment is therefore required to formally incorporate the document containing the citations and statements of significance into the Surf Coast Planning Scheme.

The report recommends that internal controls be applied to two properties: *Westcott's Stable, 850 Barrabool Road, Barrabool (HO14)* and *Scammell, 24 Pride Street, Torquay (HO16)*. A permit would be required for any internal alterations. It also recommends that external paint controls be applied to both *Colonial Bank, 33 Main Street, Winchelsea (HO19)* and *Berramongo, 100 Crooks Road, Barrabool (HO8)*. The amendment is required to provide the additional controls to these properties to ensure their appropriate protection by amending the schedule to Clause 43.01.

During the project, the Pollocksford Bridge over the Barwon River in Gnarwarre (Surf Coast Shire) and Stonehaven (Golden Plains Shire) was identified by Council as potentially being at risk due to future renewal works required, where without an assessment the heritage values could be lost. The bridge is partially located within the Golden Plains Shire municipality and there is joint ownership with Surf Coast Shire (although Surf Coast Shire has full maintenance responsibility for the bridge). It was considered that the bridge should be assessed as a matter of priority to ascertain whether a significance threshold could be applied and the relevant protection afforded. The findings in the report indicate that the bridge has been assessed as meeting the threshold for local cultural heritage significance and it is recommended for inclusion in a new Heritage Overlay in both the Surf Coast Planning Scheme and Golden Plains Planning Scheme (given its location in both municipal council areas). This amendment is required to give statutory heritage protection to the Pollocksford Bridge through the application of a Heritage Overlay.

The report also recommends that a local heritage policy should be prepared and included within the Surf Coast Planning Scheme, which would be specific to the Surf Coast Shire and support the generic State heritage policy.

The current policy at Clause 15.03-1L is considered limited in its scope and detail in terms of providing guidance for protecting the cultural significance of heritage places within the Shire. The amended planning scheme policy will introduce detailed strategies to guide decisions where a planning permit is triggered under the Heritage Overlay, including for the demolition or relocation of buildings, subdivision, additions, restoration, landscaping, signage, boundary fences, and access and car parking. This policy will apply to all land affected by a Heritage Overlay, will be applied to any development application as appropriate and provides a clear framework for the consideration of permit applications and the type of development that meets Council's expectations. The policy adds rigour to the assessment process and some permit applications will need to be accompanied by the additional supporting documents set out in the schedule to the Heritage Overlay (Clause 43.01). This policy has been prepared in consultation with council's Heritage Advisor.

The amendment will also provide additional context in respect of the cultural heritage of the Shire and provide an overarching objective in regards to cultural heritage through amending the Strategic directions in the MPS at Clause 02.03-5.

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

The proposed amendment implements the objectives of planning in Victoria, in particular, the objectives outlined 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.

This provides a clear direction for planning authorities in terms of their role and responsibility in heritage planning and management, and this amendment takes a significant step in addressing this objective for the properties assessed.

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

Environmental Effects

The proposed 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 conserving valuable resources, balanced against the demands for development.

Social and Economic Effects

The proposed amendment reflects the importance of heritage in the Surf Coast Shire and to the community. The amendment will have positive social effects through the proper protection of the 15 places of cultural heritage significance for the benefit of current and future generations. The amendment will benefit the community by adding to the understanding of Surf Coast Shire's rich cultural history and recognising and realising the positive contribution that culturally significant places make to the Surf Coast Shire.

Does the amendment address relevant bushfire risk?

The proposed amendment will not result in any increase in bushfire risk, as the amendment only involves the strengthening of the existing Heritage Overlays and application of permanent heritage protection to one additional place, as well as a new local heritage policy.

Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?

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

The proposed amendment complies with the requirements of Minister's Direction No. 11 Strategic Assessment of Amendments under section 12 (2) (a) of the *Planning and Environment Act 1987*.

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

The proposed amendment is consistent with the Planning Policy Framework (PPF) and supports the objectives of 15.03-1S of the Surf Coast Planning Scheme and Golden Plains Planning Scheme, 'to ensure the conservation of places of heritage significance'. The amendment implements the strategy to 'Identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme' by providing proper documentation and detailed assessment of existing identified places of heritage significance, introducing additional controls to some properties and identifying an additional place of heritage significance.

The proposed amendment also supports Clause 43.01 of the Surf Coast Planning Scheme, as it recognises, conserves and enhances elements which contribute to the significance of heritage places.

The proposed amendment also amends the local heritage conservation policy at Clause 15.03-1L in the Planning Policy Framework in the Surf Coast Planning Scheme by introducing detailed strategies to guide decision making on planning applications and providing local context on the significant heritage values in the municipality. This is the appropriate and necessary mechanism to support and complement the objectives in the State policy at 15.03-1S and Clause 43.01.

How does the amendment support or implement the Municipal Planning Strategy?

The proposed amendment supports and strengthens the Strategic Directions at Clause 02.03 in the Municipal Planning Strategy of the Surf Coast Planning Scheme, specifically sub-clause 02.03-5 Built Environment and Heritage. The amendment will provide additional context in respect of the cultural heritage of the Surf Coast Shire and an overriding objective to conserve cultural heritage places and manage change in a manner that enhances their significance. The changes will not result in any inconsistencies with the other strategic directions in the MPS.

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

The proposed amendment has been prepared with reference to the appropriate VPP Practice Notes and General Practice Notes, specifically PPN1: Applying the Heritage Overlay, and makes appropriate use of the Victoria Planning Provisions, specifically the Heritage Overlay and existing strategic statements and policies of the MPS.

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

The proposed amendment will not directly impact on any government agency. The amendment will be exhibited to all relevant agencies and referral authorities in accordance with the requirements of the *Planning and Environment Act 1987*.

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

The proposed amendment 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 proposed amendment is not expected to have any significant impact on the resource and administrative costs of Council.

Where you may inspect this amendment

The amendment can be inspected free of charge at the Surf Coast Shire Council website at www.surfcoast.vic.gov.au and the Golden Plains Shire Council website at www.goldenplains.vic.gov.au/residents/my-home/planning/strategic-planning.

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

Surf Coast Shire Council
1 Merrijig Drive
Torquay VIC 3228

Golden Plains Shire Council
2 Pope Street
Bannockburn VIC 3331

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 **Monday 13th December 2021**.

A submission must be sent to: Coordinator Strategic Planning, Surf Coast Shire Council, PO Box 350, Torquay VIC 3228 or emailed to info@surfcoast.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: May 2022
- panel hearing: June 2022

ATTACHMENT 1 - Mapping reference table

| Location | Land /Area Affected | Mapping Reference |
|-----------------|--|---|
| Gnarwarre | Pollocksford Bridge, Pollocksford Road | Surf Coast GC183 001hoMap05 Exhibition |
| Stonehaven | Pollocksford Bridge, Pollocksford Road | Golden Plains GC183 001hoMap28 Exhibition |
| Winchelsea | 30 & 34 Hesse Street, Winchelsea | Surf Coast GC183 001hoMap08 Exhibition |