

## MORELAND PLANNING SCHEME

### AMENDMENT C174morept1

#### EXPLANATORY REPORT

##### Who is the planning authority?

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

The Amendment has been made at the request of the Moreland City Council.

##### Land affected by the Amendment

The amendment applies to 75 (seventy-five) individual sites, four (4) heritage precincts, three (3) serial listings and 10 precinct extensions in Brunswick, Brunswick East, Brunswick West, Coburg, Coburg North, Glenroy, Fawkner, Fitzroy North, Oak Park, Pascoe Vale and Pascoe Vale South as described in the tables below, as it relates to the application of the Heritage Overlay on a permanent basis.

All properties within the Heritage Overlay will be affected by the amendment in relation to the Moreland Heritage Exemptions Incorporated Plan.

##### What the amendment does

The amendment implements the recommendations of the *Moreland Heritage Gap Study 2019* and introduces the Heritage Overlay on a permanent basis to seventy-five (75) individual heritage places, four (4) heritage precincts, three (3) serial listings and ten (10) precinct extensions to the Moreland Planning Scheme. The amendment also introduces the '*Moreland Heritage Exemptions Incorporated Plan 2019*' into the Moreland Planning Scheme, amends Schedule 18 to Design and Development Overlay (Clause 43.02), amends Planning Scheme Map Nos 3HO, 7HO, 10HO, 11HO, 12HO, 13HO, 14HO and 15HO, deletes two (2) existing properties from the Heritage Overlay and rectifies anomalies in Clause 22.06 (Heritage) and in the Schedule to Clause 43.01 (Heritage) of the Moreland Planning Scheme.

Specifically, the amendment:

1. Amends Clause 22.06 (Heritage) of the Moreland Planning Scheme to make reference to '*The Moreland Heritage Gap Study 2019*', and the '*Moreland Heritage Exemptions Incorporated Plan 2019*'.
2. Amends the Schedule to Clause 43.01 (Heritage Overlay) to apply the Heritage Overlay to 75 individual places:

New HO Number	Description of Place	Properties Included in HO
HO444	Oamaru	26 Walsh Street, Coburg
HO448	Lochiel	9 Aberdeen Street, Brunswick
HO449	Terrace Houses	109-111 Albert Street, Brunswick
HO450	House	137 Albert Street, Brunswick
HO451	Primitive Methodist Mission Hall	170 Albert Street, Brunswick
HO452	Corner Shop (former) & Residence	103 Albion Street, Brunswick
HO453	House	5 Bank Street, Brunswick
HO455	Terrace Houses & Fences	134-136 Barkly Street, Brunswick

HO456	Terrace	163-169 Barkly Street, Brunswick
HO457	House	195 Barkly Street, Brunswick
HO458	Terrace	206-210 Barkly Street, Brunswick
HO459	Terrace Houses (213 - Ethel, 215 – Edith, 217 – Alice, 219 – Betty)	211-219 Barkly Street, Brunswick
HO461	Tyrone	193 Brunswick Road, Brunswick
HO462	Terraces	233-239 Brunswick Road, Brunswick
HO465	Lough Brae	35 Cassels Road, Brunswick
HO467	House	38 David Street, Brunswick
HO468	Former Millers Ropeworks, now RMIT University	29 Dawson Street, Brunswick
HO469	Former W. T. Rawleigh and Co – factory & warehouse	60 Dawson Street, Brunswick
HO472	Terrace Houses	140-142 Edward Street, Brunswick
HO473	Terrace	183-187 Edward Street, Brunswick
HO474	House	23 Evans Street, Brunswick
HO476	Terrace Houses	16-18 Glenlyon Road, Brunswick
HO477	Attached Houses	60-62 Glenlyon Road, Brunswick
HO478	Attached Houses	46-48 Gold Street, Brunswick
HO479	Oomah	73 Hope Street, Brunswick
HO480	Terrace Houses & Fences	76-78 Hope Street, Brunswick
HO482	House	94 Hope Street, Brunswick
HO485	Devon	38 John Street, Brunswick East
HO486	House	5 Laura Street, Brunswick
HO487	Forfarshire	86 Laura Street, Brunswick
HO488	Attached Houses	23-25 Luscombe Street, Brunswick
HO489	House	96 Lydia Street, Brunswick
HO490	Terrace Houses (31 – Inverurie, 33 – Keithall)	31-33 Lygon Street, Brunswick
HO492	House	112 Moreland Road, Brunswick
HO494	House	46 Murdock Street, Brunswick
HO495	The Elms	683 Park Street, Brunswick
HO496	House	685 Park Street, Brunswick
HO497	Concrete House	1 South Daly Street, Brunswick
HO498	State Savings Bank of Victoria (former)	840 Sydney Road, Brunswick
HO499	Houses	63-65 Union Street, Brunswick East
HO500	Corner Shop (former) & Residence	80 Union Street, Brunswick
HO501	Bethany Gospel Hall (former)	235 Victoria Street, Brunswick
HO502	First City of Brunswick Scout Hall (former), later Brunswick Cinema, Toscana Social Club	273 Victoria Street, Brunswick

HO503	Terrace Houses	241-243 Victoria Street, Brunswick
HO504	Victoria Hotel	380-382 Victoria Street, Brunswick
HO506	House	8 Aintree Street, Brunswick East
HO507	Terrace Houses (23 – Canaway House, 25 – Albert House)	23-25 Albert Street, Brunswick East
HO508	Glen Iris & Hazel Glen	28-30 Albert Street, Brunswick East
HO509	Fleming Park	47-51 Albert Street, Brunswick East
HO510	House	19 Balmoral Avenue, Brunswick East
HO511	Former Prestige Mill Complex	159-165 Donald Street, Brunswick East
HO512	House	23 Holmes Street, Brunswick East
HO514	Yorkshire Textile Mills (Former)	2-4 Inverness Street, Brunswick East
HO515	Dairy & Milk Bar (former)	136A Nicholson Street, Brunswick East
HO516	House and Canary Island Palm	255 Nicholson Street, Brunswick East
HO517	Canals House	7 Parkview Avenue, Brunswick East
HO518	Faiman & Sons Warehouse (former)	443 Albion Street, Brunswick West
HO519	House	307 Brunswick Road, Brunswick
HO520	House	31 Burnell Street, Brunswick West
HO521	House & Front Fence	22 Grantham Street, Brunswick West
HO522	Kororoit (Concrete House)	70 Heller Street, Brunswick West
HO523	Uxbridge	16 Horne Street, Brunswick
HO524	Brunswick & Coburg UFS Dispensary (former)	228 Melville Road, Brunswick West
HO525	Moreland Baptist Church Complex	384 Moreland Road, Brunswick West
HO526	House & Front Fence	33 Newman Street, Brunswick West
HO527	Closer Settlement House ('Ranche')	9 Waxman Parade, Brunswick West
HO528	House & Front Fences	92 & 94 Whitby Street, Brunswick West
HO529	Bell Street Bridge	Corner of Bell Street and Nicholson Street, Coburg
HO530	Coburg Police Station (former)	160-162 Bell Street, Coburg
HO531	Shop (former) & Residence	105 Munro Street, Coburg
HO532	H.P.L. Morris Chemist (former) & Residence	153 Reynard Street, Coburg
HO533	Shop and Residence	425 Sydney Road, Coburg
HO534	Shops and Residences	431-433 Sydney Road, Coburg
HO536	Rogers Memorial Reserve	109 Cumberland Road, Pascoe Vale
HO539	Corner Shop (former) & Residence	209 Barkly Street, Brunswick

3. Amends the Schedule to Clause 43.01 (Heritage Overlay) to apply the Heritage Overlay to the following 4 new identified precincts:

New HO Number	Name of Precinct	Properties Included in HO
HO543	Hickford Street Precinct	49-91 & 60-102 Hickford Street, Brunswick East
HO544	Meaker Avenue	1-9 & 2-10 Meaker Avenue, Brunswick West
HO545	Waxman Parade	4-10 Waxman Parade, Brunswick West
HO546	Tinning Street	82-136 & 95-155 Tinning Street, Brunswick West

4. Amends the Schedule to Clause 43.01 (Heritage Overlay) and Planning Scheme to amend the extent of the Heritage Overlay for the following 10 existing precincts:

HO Number	Name of Precinct	Properties Included in HO
HO56	Daly Street, Brunswick West	19-29 Pearson Street
HO60	Dawson Street, Brunswick	11A, 15 & 17 Pearson Street & 19-23 & 20-24 Daly Street
HO75	Ewing Street, Brunswick	112-116 Glenlyon Road
HO110	Melville Road, Pascoe Vale South	8-52 Melville Road (and 9-55 Melville Road transferred from HO207)
HO113	Methven Park, Brunswick East	155-193 Glenlyon Road
HO116	Dudley Street, Fitzroy North	27-51 King Street
HO130	Park Street, Brunswick	226-258 Brunswick Road
HO139	Phillipstown, Brunswick	308 & 308A Barkly Street, 269-303 Brunswick Road & 2 Watson Street (Also delete 136 Union Street).
HO207	Coonans Hill, Pascoe Vale South	1-23 Woodlands Avenue, 47 Carrington Street and 48 Walhalla Street (Also transfer 9-55 Melville Road to HO110)
HO238	Sumner Estate, Brunswick East	2-28 & 1-27 Lowan Street and 271-283 Glenlyon Road

5. Amends the Schedule to Clause 43.01 (Heritage Overlay) and Planning Scheme to apply the Heritage Overlay to the following three identified serial listings:

New HO Number	Address	Suburb
<b>CLOSER SETTLEMENT HOUSES</b>		
HO540	6 Allard Street	Brunswick West
HO540	10 Allard Street	Brunswick West
HO540	5 Balfe Crescent	Brunswick West
HO540	46 Cumming Street	Brunswick West
HO540	47 Cumming Street	Brunswick West
HO540	280 Hope Street	Brunswick West
HO540	284 Hope Street	Brunswick West
HO540	7 Hopetoun Avenue	Brunswick West
HO540	30 Murray Street	Brunswick West
HO540	19 Passfield Street	Brunswick West
HO540	23 Passfield Street	Brunswick West
HO540	18 Waxman Parade	Brunswick West

HO540	37 Waxman Parade	Brunswick West
HO540	43 Waxman Parade	Brunswick West
HO540	51 Waxman Parade	Brunswick West
<b>WAR SERVICES HOMES (BRICK)</b>		
HO541	42 Shamrock Street	Brunswick West
HO541	50 Shamrock Street	Brunswick West
HO541	17 Glenora Avenue	Brunswick West
HO541	19 Glenora Avenue	Brunswick West
HO541	25 Glenora Avenue	Brunswick West
HO541	27 Glenora Avenue	Brunswick West
HO541	29 Glenora Avenue	Brunswick West
HO541	31 Glenora Avenue	Brunswick West
<b>WAR SERVICE HOMES (TIMBER)</b>		
HO542	2 Akeroa Avenue	Brunswick East
HO542	5 Akeroa Avenue	Brunswick East
HO542	1 Pareora Avenue	Brunswick East
HO542	169 Stewart Street	Brunswick East
HO542	183 Stewart Street	Brunswick East
HO542	230 Stewart Street	Brunswick East
HO542	1 Temuka Avenue	Brunswick East
HO542	1 Timaru Avenue	Brunswick East
HO542	5 Timaru Avenue	Brunswick East
HO542	1 Waihi Avenue	Brunswick East

6. Amends the Schedule to Clause 43.01 (Heritage Overlay) to rename two heritage precincts:

HO Number	Name of Precinct
HO193	Westbourne Street War Service Homes Precinct
HO246	Latiner Hat Factory (former), 20 Dawson Street Brunswick

7. Amends the Schedule to Clause 43.01 (Heritage Overlay) to delete two heritage places:

HO Number	Address	Suburb
HO307	Glenroy Road (northern side between Logan Street & Cardinal Road)	Glenroy
HO442	170-176 Lygon Street	Brunswick East

8. Includes the *'Moreland Heritage Exemptions Incorporated Plan 2019'* as an Incorporated Document under Clause 72.04 (Table of Documents incorporated in this Scheme) of the Moreland Planning Scheme.

9. Amends Schedule 18 to Design and Development Overlay (Clause 43.02) to amend 'Map 1B: Overall Building and Streetwall Heights (South)'.

10. Rectifies anomalies including minor corrections to the Schedule to the Heritage Overlay, land the correction of a clerical error under Clause 22.06-3.8 (Heritage) as follows:

Part of Clause	Correction
<p>22.06-3.8 (Heritage)</p> <p><i>Change the capital T to a lower case t.</i></p> <p>As per underlined change in corrections column.</p>	<p>22.06-3.8 Ancillary services and equipment</p> <p>It is policy to:</p> <p>Encourage ancillary site services that support the sustainability of heritage fabric and reduce the operational environmental impact of the existing building (such as solar panels, water tanks, solar hot water systems, etc.) <u>to</u> be sensitively integrated into the design of the heritage place. These services may be visible, if there is no reasonable alternative location.</p>
<p>Clause 43.01-1 (Schedule 1, Heritage Overlay)</p> <p><i>Amend the description of HO296 so that it only refers to land at 119 Lygon Street, Brunswick, and reference to 197-199 Edward Street, Brunswick is deleted.</i></p> <p><i>The land at 197-199 Edward Street was consolidated to form part of 119 Lygon Street, Brunswick.</i></p> <p><i>This address is now <u>only</u> 119 Lygon Street, Brunswick</i></p>	<p>119 Lygon Street, Brunswick – Bluestone cottages and former Moran &amp; Cato Store Map 15HO.</p>
<p>Clause 43.01-1(Schedule 1, Heritage Overlay)</p> <p><i>Delete HO442 - 170-176 Lygon Street, Brunswick East – Roseley Hoisery Mill (Former) Map 15HO.</i></p> <p><i>HO442 should now <u>only</u> relate to 103-105 Evans Street, Brunswick East - Factory (Former) Map 15HO</i></p>	<p>The land was removed from the HO following a recommendation from Planning Panels Victoria, as part of the Panel review of Amendment C149 (DED62/14 Amendment C149 – Lygon Street Heritage Review – Consider Panel Recommendations and Adopt Amendment) however it remains listed in the HO schedule in error.</p>
<p>Clause 43.01-1(Schedule 1, Heritage Overlay)</p> <p><i>Delete HO307 - Glenroy Road, Glenroy (northern side between Logan St &amp; Cardinal Rd) – Cypress Row Map 3HO</i></p>	<p>The trees protected under this HO were removed by the Minister for Education. This HO is therefore obsolete and should be removed.</p> <p>The Minister for Education and Minister for Health are exempt from the requirements of the planning scheme if they are using the land for education and health.</p>

## Strategic assessment of the Amendment

### Why is the Amendment required?

Council engaged heritage consultants, GML Heritage Victoria Pty Ltd t/as Context to prepare the *Moreland Heritage Gap Study 2019* (the 'Study'). The Study identifies heritage precincts and individual properties in Moreland for inclusion in the Heritage Overlay to the Moreland Planning Scheme. These places have been predominantly identified as part of past heritage studies conducted for Moreland. The study confirms their heritage status and significance.

The *Moreland Heritage Gap Study* was adopted by Council on 6 December 2017.

The significance of the precincts and individual properties were assessed against the standard criteria contained in Practice Note 01 *Applying the Heritage Overlay* (September 2012) and were considered to meet the requirements and threshold for local protection through the Heritage Overlay. Consequently, Amendment C174 is required to implement the findings of the Study by including these properties in the Heritage Overlay.

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

The *Moreland Heritage Exemptions Incorporated Plan 2019* (the 'incorporated plan') applies to all properties in an identified heritage precinct, to exempt minor matters from requiring a planning permit, and provide greater exemptions for non-contributory properties, subject to conditions. The inclusion of the plan:

- Provides greater force and effect to the Heritage Overlay, through the provision of conditions that need to be met in order to benefit from the relevant exemption.
- Assists in the efficient processing of planning applications through streamlining the administration of the Heritage Overlay. This will ease the burden of on both landowners and Council by reducing potentially unnecessary permit applications
- Ensures that whilst areas of Moreland included within a Heritage Overlay are increased, planning permit applications to be assessed by the City Development branch are not unnecessarily increased.
- Assists Council to continue to meet the heritage obligations set out in the *Planning and Environment Act 1987*, the State Planning Policy Framework and the *Aboriginal Heritage Act 2006*.

The Incorporated Plan will assist Council to meet its statutory obligations for the management of local heritage into the future.

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

The amendment implements the following objectives listed under Section 4 (1) of the Planning and Environment Act 1987:

- *“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;”* and
- *“to balance the present and future interests of all Victorians”*

The Study has identified properties which hold local heritage significance to the City of Moreland. The heritage value of each property and precinct has been documented in their respective heritage citations.

The Incorporated Document seeks to refine the Heritage control permit requirements based on a set criterion, to assist in streamlining heritage applications. This will aid in the efficient processing of planning applications so that those which meet the criteria, do not require assessment. It will also contribute to greater effectiveness of the Heritage Overlay control, by providing increased certainty for a range of minor proposals within areas of significance.

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

The amendment is expected to have a positive social effect by protecting and promoting places of cultural heritage significance in the City.

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

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

The land is not subject to bushfire risk or a Bushfire Management Overlay, and the amendment is unlikely to result in any significant increase to the risk to life, property, community, infrastructure or the natural environment from bushfire.

#### **Does the Amendment comply with the requirements of any Minister’s Direction applicable to the amendment?**

The amendment complies with the following Minister Directions:

- *Ministerial Direction – The Form and Content of Planning Schemes pursuant to Section 7(5) of The Act.*
- *Ministerial Direction No. 11 – Strategic Assessment of Amendments:*

The amendment considers the recommendations of the comprehensive Heritage Study, as outlined in this Explanatory Report.

- *Ministerial Direction No. 9 - Metropolitan Planning Strategy:*

The amendment is in line with relevant strategies within the Metropolitan Planning Strategy. Specifically, Direction 4.4 of Plan Melbourne 2017-2050 is to “respect Melbourne’s heritage as we build for the future”

Policy 4.4.1 of the strategy, is to recognise the value of heritage in managing growth and change and specifically identifies the importance of continuous identification and review of currently unprotected sites, the contribution heritage makes to Melbourne’s distinctiveness and liveability and advocates for the protection of Melbourne’s heritage places.

The amendment applies the Heritage Overlay on sites which have been identified to hold local cultural significance, following a comprehensive review. Applying the Heritage Overlay to these properties is in line with the above strategies which seeks the appropriate identification, documentation and protection of heritage places.

Similarly, the Incorporated Plan provides a means to better encourage appropriate development in the context of ongoing and increased development in Heritage areas. Developments can therefore be better facilitated. This is particularly with respect to minor types of applications where, minimum requirements can determine acceptable outcomes that will not need to be assessed.

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

The amendment is consistent with the State Planning Policy Framework, in particular Clause 15.03-1 (Heritage conservation) and implements the following specific state strategies for ‘heritage’:

- *Identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme.*
- *Provide for the protection of natural heritage sites and man-made resources and the maintenance of ecological processes and biological diversity.*
- *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. Support adaptive reuse of heritage buildings whose use has become redundant.*

### **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, particularly Clause 22.06 (Heritage), which relates specifically to the cultural heritage significance of places within the City of Moreland. These policies seek to identify, protect and enhance the cultural heritage significance of places within the municipality. Specifically, Clause 22.06 (Heritage) sets out the following policy objectives:

- *To encourage the conservation and enhancement of all heritage places.*
- *To protect Moreland's heritage places from inappropriate demolition, development or subdivision.*
- *To ensure that buildings and works respect the significance of the heritage place as identified in the Statement of Significance.*

The amendment will also reinforce the local policy by introducing the *Moreland Heritage Gap Study 2017* as a background document.

### **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 places and precincts.

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

The views of relevant agencies were sought through the public exhibition phase of the amendment.

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

The amendment is not expected to have any significant impact on the transport system.

### **Resource and administrative costs**

Any future increase in the number of properties affected by the Heritage Overlay will increase the number of planning permit applications lodged with Council for buildings and works, which will impact upon existing workload levels of the City Development Branch. The increased use of Council's heritage advisor by an additional day a week will be considered, should assistance be required to manage an increased number of planning applications.

It is anticipated that the Incorporated Plan will off-set some of these financial impacts. More broadly the protection and management of heritage assets can also have economic benefits, especially in residential areas where period homes and former industrial and commercial buildings are sought for restoration and investment.

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

The amendment can be inspected free of charge at the Moreland City Council website at <https://www.moreland.vic.gov.au/planning-building/planning-scheme-amendments/>; or

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

Moreland City Council  
90 Bell Street  
Coburg

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).