

# **MAROONDAH PLANNING SCHEME**

## **AMENDMENT C148MARO**

### **EXPLANATORY REPORT**

#### **Overview**

Post WW II heritage represents one of the most significant eras of development and change within the City of Maroondah. Following the completion of the Maroondah Heritage Study Review with a focus on Post WWII heritage, Amendment C148maro seeks to implement the recommendation of the review.

In particular, the amendment seeks to introduce permanent heritage overlay controls to a number of places within the municipality. The amendment also proposes the deletion of one existing heritage place which no longer meets the required threshold for heritage protection due to a series of alterations to the fabric of the building.

Statements of Significance have been prepared for each of the proposed listings proposed to be included in the Maroondah Planning Scheme as incorporated documents.

#### **Who is the Planning Authority?**

The amendment has been prepared by Maroondah City Council, which is the Planning Authority for this amendment.

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

#### **Land affected by the Amendment**

The amendment applies to 28 individual places, 2 precincts which were identified in the *City of Maroondah Heritage Study Review Volume 2: Citations for Individual Heritage Places and Heritage Precincts (Built Heritage Pty Ltd, March 2024)*.

A mapping reference table is included in Attachment 1 to this Explanatory Report, and lists the individual places, and precincts, along with the addresses and location of each place.

#### **What the Amendment does**

The amendment proposes to implement the recommendations of the *City of Maroondah Heritage Study Review Volume 2: Citations for Individual Heritage Places and Heritage Precincts* (Built Heritage Pty Ltd, March 2024) by applying the Heritage Overlay on a permanent basis to 28 individual places, and 2 precincts.

Specifically, the amendment proposes to:

- Amend the Schedule to Clause 43.01 (Heritage Overlay) to apply the Heritage Overlay to 28 individual places, and 2 precincts on a permanent basis.
- Amend the Schedule to Clause 43.01 (Heritage Overlay) to turn on external paint controls for 50 Maroondah Highway, Ringwood. . Further turn on internal controls for 39-41 Viviani

Crescent Heathmont; and 265 Canterbury Road Bayswater North; and allow prohibitive uses at 254 Canterbury Road, Bayswater North.

- Amend the Schedule to Clause 43.01 (Heritage Overlay) to delete 130 Croydon Road, Croydon (HO93);
- Amend the Schedule to Clause 72.04 (Incorporated Documents) to introduce Statements of Significance for the 28 individual places, and 2 precincts, and Heritage Design Guidelines to 1 individual place.
- Amend the Schedule to Clause 72.08 (Background Documents) to introduce the following background documents:
  - *City of Maroondah Heritage Study Review: Volume 1 Post-WW2 Thematic Environmental History (Built Heritage Pty Ltd, May 2022)*
  - *The City of Maroondah Heritage Study Review Volume 2: Citations for Individual Heritage Places & Heritage Precincts, March 2024, Built Heritage Pty Ltd*
- Amend the Maroondah Planning Scheme Maps No.'s 1HO, 2HO, 3HO, 4HO, and 5HO to reflect the changes listed above.

## **Strategic assessment of the amendment**

### **Why is this amendment required?**

The amendment proposes to implement some of the recommendations of the Maroondah City Council's Municipal Wide Heritage Study Review 2023), consisting of the following documents:

- *City of Maroondah Heritage Study Review, Volume 1: Post WW2 Thematic Environmental History (TEH) (Built Heritage Pty Ltd, May 2022); and*
- *City of Maroondah Heritage Study Review Volume 2: Citations for Individual Heritage Places & Heritage Precincts, (Built Heritage Pty Ltd) March 2024 .*

The City of Maroondah Heritage Study Review was undertaken by Built Heritage Pty Ltd. Stage one of the review involved reviewing places identified in a 2003 heritage study that had not yet been included in the Heritage Overlay, assessing pre-1945 places of high heritage potential within the municipality and undertaking a Thematic Environmental History (TEH) of post-1945 places of potential heritage significance. The TEH was adopted by Council on 13 December 2021. Stage two of the review involved the detailed assessment of the short-listed places identified in stage one to determine whether the identified places met the threshold for local heritage significance.

While sparse suburb development in Maroondah only began at the coming of the railway line in the 1880s and later intensified during the 1920s with the electrification of the railway line, most suburban development in the municipality took place after World War II. It is this post-war period that most strongly characterises Maroondah's residential areas and activity centres. The *City of Maroondah Heritage Study Review, Volume 1: Post WW2 Thematic Environmental History (TEH) (Built Heritage Pty Ltd, May 2022* found that while some parts of the City of Maroondah provide physical evidence dating back to 1870s, most of the municipality is characterised by twentieth century development and post WW2 development in areas such as Heathmont, Bayswater North, Warranwood, and Croydon Hills.

### **Applying the Heritage Overlay**

The use of the Heritage Overlay is the most appropriate way to control buildings and works and demolition of the buildings as a way of achieving the objective of conserving the building fabric and protecting the heritage significance for the identified places.

The Municipal Wide Heritage Study Review was prepared in accordance with the Australia ICOMOS Burra Charter, 1999 and its Guidelines. Furthermore, the heritage thresholds were determined in

accordance with the Heritage Council of Victoria (HERCON) criteria set out in *Planning Practice Note 01 - Applying the Heritage Overlay (August 2018)*.

The justification for the proposed heritage overlays is supported by the assessment of places and determination of places meeting the required threshold.

The amendment also includes heritage design guidelines for one heritage place of an industrial nature. These are intended to guide future development, provide clear objectives on the aspects of the heritage place which warrants specific management tools.

The removal of the Heritage Overlay from 130 Croydon Road Croydon (HO93) is required as the property no longer satisfies the threshold for heritage significance and does not require the protection afforded by the existing Heritage Overlay.

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

The amendment implements the objective outlined in Section 4(1) of the *Planning and Environment Act 1987*, which states:

- (d) “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.”

Maroondah City Council is committed to ensuring the identification, protection, and recognition of its heritage assets. This commitment is demonstrated in the *Maroondah Heritage Action Plan 2021* which establishes the parameters for a proactive approach towards local heritage identification, protection, and promotion.

The amendment is consistent with this objective on the following grounds:

- Ensuring that the subject properties have appropriate controls applied to facilitate their conservation on an on-going basis; and
- The identification and conservation of heritage places assists in developing a distinctive sense of identity and cultural diversity.

The heritage values associated with each individual place, and precinct proposed for inclusion in the Heritage Overlay are outlined in the heritage citations and the statements of significance, completed by Built Heritage Pty Ltd (2024).

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

Pursuant to Section 12(2)(b) and (c) of the *Planning and Environment Act 1987*, the likely environmental, social and economic effects have been assessed as follows:

#### *Environmental*

The introduction of heritage overlay controls across the proposed individual places, and one precinct are unlikely to result in any adverse environmental effects. The amendment will conserve and enhance places identified as being of aesthetic and historic significance.

The amendment will also make a significant positive contribution to the built environment, by conserving places of local heritage significance and promoting the re-use of existing housing and non-residential building stock.

#### *Social*

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

## *Economic*

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

Some additional costs are likely to be incurred on some owners of affected residential properties, since the amendment will necessitate a planning permit for most buildings and works. In addition, it is likely that the amendment will have some impact on the redevelopment of some sites. The overall economic impact of these additional restrictions is unlikely to have a negative economic impact on the wider community.

In accordance with the requirements of the *Planning and Environment Act 1987*, to Section 12(2)(b) and (c) and *Planning Practice Note 46: Strategic Assessment of Amendments*, consideration has been given to the likely effect on the economic wellbeing of the community, and further specific reference to existing non-residential sites of commercial or industrial in nature. As a result, a number of specific measures have been incorporated into the proposed controls, as follows:

- External paint controls have been applied to one property :
  - 50 Maroondah Highway, Ringwood: The Statement of Significance identifies that the significant fabric of this place is the entire neon sign including the painted colour scheme. This provides the rationale for the additional external paint controls.
- Internal controls are proposed for 39-41 Viviani Crescent Heathmont; and 265 Canterbury Road Bayswater North. The property at 39-41 Viviani Crescent Heathmont has been assessed to have significant elements of the interior specifically the stone fireplace and the George Browning murals. For the property at 265 Canterbury Road Bayswater, some key internal spaces including original furniture has been identified as part of the heritage significance as noted in the Statement of Significance.
- Specific *Heritage Design Guidelines* have been prepared for one non-residential site as part of this amendment, namely for the site at 254 Canterbury Road Bayswater North. This will provide certainty to landowners on the long-term management of the heritage values of the site.
- Further, objectives within the *Heritage Design Guidelines* have been prepared to clearly identify aspects of built form which would have potential to support the reuse and adaptation of existing building stock.
- Enabling the consideration of prohibited uses for the land at 254 Canterbury Road, Bayswater North. This acknowledges the significance of the site in the wider regional context. The primary justification for enabling the consideration of prohibited uses for this site has been to encourage the conservation of the administration block at the front of the complex with opportunities for alternative uses which would benefit the conservation of the heritage place. In more specific terms, it is proposed to facilitate an appropriate and viable use of the administration block with opportunities to consider uses compatible with the industrial nature of the site such as a shop. Noting that sensitive uses would not be considered for this site.

Consequently, it is considered that the broader net community benefit of the proposed amendment will outweigh any likely economic effect of a personal kind, and these will be likely offset by the contribution that the heritage places offer to the wider community.

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

The Amendment meets bushfire policy in Clause 13.02 of the Planning Scheme because the land affected by the amendment is not subject to bushfire risk or a Bushfire Management Overlay. Therefore, the amendment is unlikely to result in any significant increase to the risk to life, property, community, infrastructure or the natural environment from bushfires.

### **How 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 *Planning and Environment Act 1987*.

The amendment is consistent with Ministerial Direction No. 9 Metropolitan Planning Strategy (Plan Melbourne 2017-2050). The amendment will help to conserve a part of Maroondah's and Melbourne's heritage, and it aims to protect the heritage place distinctiveness and build on Maroondah's heritage legacy.

The amendment is also consistent with the Ministerial Direction No. 11 – Strategic Assessment of Amendments, and Ministerial Direction 15- The Planning Scheme Amendment Process.

The amendment is consistent with this direction which ensures a comprehensive strategic evaluation of a planning scheme amendment and the outcomes it produces in ensuring that there is a balance approach in protection of places with local heritage significance and net community benefits.

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

The amendment is consistent with the following policies within the Planning Policy Framework, and supports its objectives as follows:

- Clause 15 (Built Environment and Heritage), with its objective to "*protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value*".
- Clause 15.03-1S (Heritage Conservation), with its objective to ensure the conservation of places of heritage significance. Further, the amendment has taken into consideration the Burra Charter: The Australian ICOMOS Charter for Places of Cultural Significance, 2013.

Policy 15.01-1S relating to Neighbourhood Character notes as an objective, the need to recognise, support and protect neighbourhood character, cultural identity, and sense of place. The amendment makes use of the most appropriate planning tool as follows:

- Introduces heritage controls to conserve the building fabric of the places to protect the places with identified local heritage significance.

The Planning Policy Framework (PPF) recognises the importance of conserving places of heritage significance, as outlined in Clause 15.03- 1S Heritage conservation. The strategies of this clause include:

- 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;
- Provide for the conservation and enhancement of those places which are of aesthetic, archaeological, architectural, cultural, scientific or social significance;
- Encourage appropriate development that respects places with identified heritage values;
- Retain those elements that contribute to the importance of the heritage place;
- Encourage the conservation and restoration of contributory elements of a heritage place;
- Ensure an appropriate setting and context for heritage places is maintained or enhanced; and

- Support adaptive reuse of heritage buildings whose use has become redundant.

The amendment supports Clause 15.03-1S Heritage Conservation as it proposes to ensure the conservation of places identified as having local heritage significance. Further the amendment seeks to support this clause by identifying, assessing and documenting the heritage significance of the identified heritage places to provide for their protection in the Maroondah Planning Scheme.

The primary consideration in the application of the proposed heritage controls as part of the planning scheme amendment process relates to the justification as to whether the place meets the threshold of sufficient local heritage significance.

Clause 71.02-3 of Maroondah Planning Scheme relates to an integrated decision-making process with the need to balance conflicting objectives in favour of net community benefit and sustainable development. In considering the application of this integrated decision-making process, it is relevant to note that in accordance with recent Planning Panel decisions the nature of heritage places as “irreplaceable assets” require the focus on the longer-term benefits to the overall community.

The consideration of balancing competing objectives and application of an integrated decision making is then relevant in considering any proposed alterations, demolition, adaptation of the proposed places at a planning permit stage which is a separate and subsequent stage to this planning scheme amendment process.

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

Applying the HO to the properties identified in the Amendment is supported by clause 02.03-5. Clause 02.03-5 (Built environment and heritage) provides:

Maroondah has a diverse range of heritage places that date from both the indigenous and post contact settlement periods. Protection of Maroondah’s heritage is crucial to the development of a vibrant and confident community. Places may have a range of values for different individuals or groups and assist with creating this sense of community. Heritage places have been identified on scattered sites throughout the municipality.

Council’s strategic direction for heritage is to: Plan for the protection, enhancement and complementary use of heritage places.

Accordingly, it remains a strategic direction of Council to plan for the protection of heritage places in Maroondah. This appropriately includes the application of the HO to places that warrant heritage protection.

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

The amendment makes proper use of the Victoria Planning Provisions by applying the Heritage Overlay to the identified places of local heritage significance. In accordance with *Planning Practice Note 1: Applying the Heritage Overlay (August 2018)* the strategic basis of this amendment clearly justifies the significance of the identified places.

The documents for this amendment include statements of significance that establish the importance of a place and address the heritage criteria; i.e., HERCON Criteria- Heritage Council of Victoria criteria. The Heritage Overlay identifies places of heritage significance with a recognised heritage citation.

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

Exhibition Stage

The views of relevant agencies have been sought as part of the exhibition process for this amendment, in particular the National Trust of Australia (Victoria).

- The feedback provided by the National Trust supports the exhibited amendment and noted that the amendment will provide greater certainty and clarity for property owners and the community encouraging more sensitive development outcomes for the heritage places.

#### **Approval stage**

- No changes were required after the exhibition resulting from the feedback received from the National Trust.

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

The amendment is not expected to impact on the transport system as the proposed controls are solely intended to protect the local heritage significance of the identified places.

#### **Resource and administrative costs**

##### **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

The amendment is likely to result in an increased number of planning permit applications, however additional work created by the additional heritage controls on an annual basis is unlikely to have significant impact and can be resourced within Council's existing budget. Furthermore, Council's assessment of heritage proposals is supported by a heritage advisory service.

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

The amendment can be inspected, free of charge, at the Maroondah City Council website at [www.maroondah.vic.gov.au/development/planning/planning-our-city/current-planning-scheme-amendments](http://www.maroondah.vic.gov.au/development/planning/planning-our-city/current-planning-scheme-amendments).

And

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

**Maroondah City Council**  
Realm, Ringwood Town Square  
179 Maroondah Highway  
Ringwood VIC 3134

**Croydon Library**  
Civic Square  
Croydon VIC 3136

The amendment can also be inspected, free of charge, at the Department of Transport and Planning website at [www.planning.vic.gov.au/public-inspection](http://www.planning.vic.gov.au/public-inspection) or by contacting the office on 1800 789 386 to arrange a time to view the amendment documentation.

## ATTACHMENT 1 – Mapping Reference Table

Suburb	Address	Mapping Reference
Bayswater North	254 Canterbury Road	Maroondah Planning Scheme Amendment C148maro Map No. 05
Bayswater North	265 Canterbury Road	Maroondah Planning Scheme Amendment C148maro Map No. 05
Croydon	1/30 and 2/30 Bayswater Road	Maroondah Planning Scheme Amendment C148maro Map No. 02
Croydon	3-5 Braemar Street	Maroondah Planning Scheme Amendment C148maro Map No. 03
Croydon	129; 131-133 Dorset Road	Maroondah Planning Scheme Amendment C148maro Map No. 03
Croydon	161 Dorset Road	Maroondah Planning Scheme Amendment C148maro Map No. 03
Croydon	82 Hull Road	Maroondah Planning Scheme Amendment C148maro Map No. 03
Croydon	141-145 Main Street	Maroondah Planning Scheme Amendment C148maro Map No. 02
Croydon	4 Mount View Street	Maroondah Planning Scheme Amendment C148maro Map No. 02
Croydon	3 Parsons Street	Maroondah Planning Scheme Amendment C148maro Map No. 03
Croydon	58-64 Hewish Road	Maroondah Planning Scheme Amendment C148maro Map No. 02
Croydon	33 Kent Avenue	Maroondah Planning Scheme Amendment C148maro Map No. 02
Croydon	61 Wicklow Avenue	Maroondah Planning Scheme Amendment C148maro Map No. 02
Croydon	130 Croydon Road	Maroondah Planning Scheme Amendment C148maro Map No. 02D
Croydon Hills	89-91 Yarra Road	Maroondah Planning Scheme Amendment C148maro Map No. 02



Croydon North	90 Richardson Road	Maroondah Planning Scheme Amendment C148maro Map No. 02
Croydon North	25-27 Exeter Road	Maroondah Planning Scheme Amendment C148maro Map No. 02-03
Croydon North	114-116 Exeter Road	Maroondah Planning Scheme Amendment C148maro Map No. 02-03
Heathmont	196 Canterbury Road	Maroondah Planning Scheme Amendment C148maro Map No. 04-05
Heathmont	39-41 Vivani Crescent	Maroondah Planning Scheme Amendment C148maro Map No. 04-05
Heathmont	89 Canterbury Road	Maroondah Planning Scheme Amendment C148maro Map No. 04-05
Heathmont	8 Possum Lane	Maroondah Planning Scheme Amendment C148maro Map No. 04
Heathmont	4 Swain Court, Heathmont	Maroondah Planning Scheme Amendment C148maro Map No. 04-05
Heathmont	122-124 Heathmont Road	Maroondah Planning Scheme Amendment C148maro Map No. 04-05
Heathmont	1/110 Bedford Road	Maroondah Planning Scheme Amendment C148maro Map No. 04-05
	116 Bedford Road	
	120 Bedford Road	
	122 Bedford Road	
	124 Bedford Road	
Ringwood	67 Loughnan Road	Maroondah Planning Scheme Amendment C148maro Map No. 04
Ringwood	50 Maroondah Highway	Maroondah Planning Scheme Amendment C148maro Map No. 04
Ringwood	8-16 Bedford Road	Maroondah Planning Scheme Amendment C148maro Map No. 04
Ringwood	30-32 Station Street	Maroondah Planning Scheme Amendment C148maro Map No. 04
Ringwood East	17 Malcolm Court	Maroondah Planning Scheme Amendment C148maro Map No. 04-05
Ringwood East	20 Rawson Court	Maroondah Planning Scheme Amendment C148maro Map No. 04-05
	22 Rawson Court	
	24 Rawson Court	

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