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NJH/NRO

16 March 2018

Victorian Planning Authority
Level 25
35 Collins Street
MELBOURNE VIC 3000

Lodged via email: amendments@vpa.vic.gov.au

Dear Sir / Madam,

**Late submission to exhibition of Amendment C234
32 Mount Ararat South Road, Nar Nar Goon**

Taylor's Development Strategists acts on behalf of [REDACTED] owner of 32 Mount Ararat South Road, Nar Nar Goon (the 'Subject Site'), in relation to Amendment C234 to the Cardinia Planning Scheme.

Amendment C234 proposes to implement the Pakenham East PSP (the 'PSP') into the Cardinia Planning Scheme. As exhibited Amendment C234 applies the following controls to the subject site:

- Urban Growth Zone – Schedule 5 (UGZ5).
- Heritage Overlay 275 (HO275).

Based on discussions with Ben Hawkins of VPA on 9 March 2018, we understand that VPA has agreed to accept a late submission from our client lodged by 16 March 2018.

In summary, this submission supports the application of the UGZ5 to the site and the broad direction of the PSP, however, raises specific concerns with the HO275. More particularly we submit that:

- The statutory status of the *Post-Contact Heritage Assessment Pakenham East Precinct, Final Report, Revised October 2017* (the 'Heritage Study') should be clarified by introducing the document into Clause 21.02-6 (Post Contact heritage) as a reference document.
- Heritage Overlay 275 should be deleted.
- No. 32 Mount Ararat South Road, Nar Nar Goon should be removed from the Heritage Study.
- The development guidance for 32 Mount Ararat South Road, Nar Nar Goon at Section 4 of the Heritage Study is inappropriate and should be deleted.

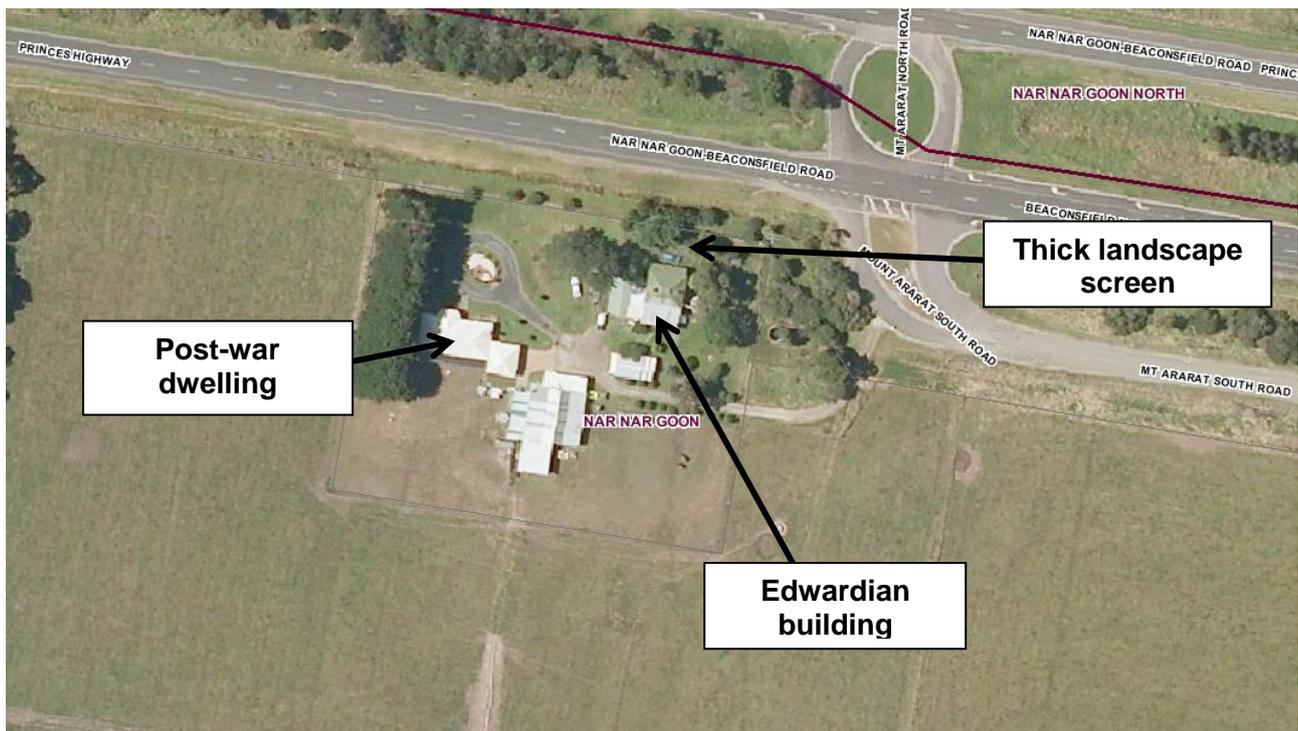
We elaborate on these matters below but first set out some site context information.

Site Context

The subject site comprises a rectangular parcel of approximately 7900sqm located to the southern side of Princes Highway. The site is accessed via a fenced driveway from Mount Ararat South Road.

The site currently contains two dwellings (an older Edwardian dwelling to the north-east and a more recent post-war dwelling to the west), various outbuildings (including a former milk shed now used for a garage), fenced paddocks and driveways.

An aerial photograph of the site is provided below.



Source: Land Victoria Website, March 2018

The Edwardian building appears to have a setback of approximately 10m from Princes Highway. There is a thick landscaping forward of this building, which screens views of the building from Princess Highway and would have served to provide privacy to the dwelling when it was occupied.

The site is currently zoned Farming and is not affected by any overlays. The land is located inside the Urban Growth Boundary.

The proposed statutory status of the Heritage Study is vague

As exhibited Amendment C234 does not appear to propose to introduce the Heritage Study into the Scheme as a reference document nor an incorporated document.

It appears that the Heritage Study does not mention whether it should be included as a reference or incorporated document in the Scheme.

The Cardinia Planning Scheme at Clause 21.02-6 (Post-Contact Heritage) references various heritage studies and also includes the following in the policy and exercise of discretion:

When deciding on applications for use or development that may impact on sites of heritage or cultural significance, considering, as appropriate:

- *The development's response to the recognised heritage sites and precincts in the heritage place and precinct citations of the relevant Cardinia Heritage Studies.*

In our submission, the Heritage Study should be included as a reference document in Clause 21.02-6 to:

- Provide information to understand the background and reasons for applying the heritage overlay.
- Clarify the statutory weight that will be given to the Heritage Study and citations in the assessment of permit applications.
- Ensure users of the Planning Scheme can easily locate the relevant citations.

Heritage Overlay 275 should be deleted.

In our submission the Edwardian building and the former milk shed are not of individual heritage significance. We say this for the following reasons:

- Both buildings are small in scale, are not of particular architectural merit and offer very little to the public realm in the way of heritage character.
- The buildings have been substantially altered and are not intact. The citation in the Heritage Study for HO275 confirms this to be the case.
- There are many examples and better examples of historical farm houses already protected or soon to be protected within the area. See for instance the comparative analysis in the Heritage Study.
- It is difficult to trace the history of the site from the features on the Edwardian dwelling and milk shed and from the current context of the buildings on the site.
- There were many early pastoral run properties and settlers within the locality. John Dore is not of elevated interest. Also, the Edwardian building was constructed by Frank Dore.

The development guidance for 32 Mount Ararat South Road at Section 4 of the Heritage Study is inappropriate

In our submission, the development guidance for 32 Mount Ararat South Road at Section 4 of the Heritage Study is inappropriate and should be deleted.

The appropriate time to assess any demolition, subdivision or development within the Heritage Overlay is at the permit application stage. Such timing allows the decision maker to undertake a considered assessment of all relevant factors and balance competing issues appropriately. Similarly, issues such as structural integrity should only be considered at the permit application stage.

We make the following comments regarding the development guidelines in the Heritage Study.

The guideline that a single title should be retained over the entirety of HO amounts to a prohibition of subdivision in the Heritage Overlay and is inappropriate to specify in the Heritage Study as subdivision is not prohibited in the Heritage Overlay. Instead it requires a permit and is properly assessed at the permit application stage.

The guideline that no development should occur within the HO extent (apart from that subsidiary to its use, such as a garage, sheds or a new extension to the rear of the house) is inappropriate in the absence of a development proposal. The Heritage Overlay provides appropriate tests to assess any future application.

The suggested setback of 10m from the HO extent is arbitrary and not justified.

It is likely that a road will be required to the south of the Edwardian building given existing road access point and the setback of the Edwardian building from Princess Highway.

A permit application will provide the appropriate mechanism to assess demolition, subdivision and new development.

Conclusion

In conclusion, we submit that:

- Heritage Overlay 275 should be deleted.
- No. 32 Mount Ararat South Road, Nar Nar Goon should be removed from the Heritage Study.

Additionally, we submit that:

- The statutory status of the Heritage Study should be clarified by inserting the study as a reference document at Clause 21.06-2.
- In the event that HO275 is retained, the development guidance in Section 4 of the Heritage Study should be deleted.

We greatly appreciate your consideration of the matters in this submission.

Should you have any queries, please do not hesitate to contact the undersigned on 9501 2800.

Yours faithfully



Nick Robins
Senior Planner