

Planning controls review 150-152 Hoddle Street Abbotsford

Zone

The land is within a Public Use Zone 6 – Local Government PUZ6

The purpose of the Public Use Zone is

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To recognise public land use for public utility and community services and facilities.
- To provide for associated uses that are consistent with the intent of the public land reservation or purpose.

The use of land for a local government purpose does not require a permit. All other uses require a permit. No uses are listed as prohibited within the zone

A permit is required for any buildings and works

Decision Guidelines

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The comments of any Minister or public land manager having responsibility for the care or management of the land or adjacent land.
- Whether the development is appropriately located and designed, including in accordance with any relevant use, design or siting guidelines.

Overlays

Heritage Overlay

The land is within a Heritage Overlay Schedule 313(Charles Street Precinct Abbotsford)

The HO313 requires that all alterations to the building require a planning permit

The decision guidelines include the following

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.
- Any applicable statement of significance (whether or not specified in the schedule to this overlay), heritage study and any applicable conservation policy.
- Any applicable heritage design guideline specified in the schedule to this overlay.
- Whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place.
- Whether the location, bulk, form and appearance of the proposed building is in keeping with the character and appearance of adjacent buildings and the heritage place.

- Whether the demolition, removal or external alteration will adversely affect the significance of the heritage place. Whether the proposed works will adversely affect the significance, character or appearance of the heritage place.
- Whether the proposed subdivision will adversely affect the significance of the heritage place.
- Whether the proposed subdivision may result in development which will adversely affect the significance, character or appearance of the heritage place.
- Whether the proposed sign will adversely affect the significance, character or appearance of the heritage place.
- Whether the lopping or development will adversely affect the health, appearance or significance of the tree. Whether the location, style, size, colour and materials of the proposed solar energy

Design and Development Overlay Schedule 2

A permit is required for any buildings or works

The purpose of the DDO2 is:

- To recognise the importance of main roads to the image of the City.
- To retain existing streetscapes and places of cultural heritage significance and encourage retention of historic buildings and features which contribute to their identity.
- To reinforce and enhance the distinctive heritage qualities of main roads and boulevards.
- To recognise and reinforce the pattern of development and the character of the street, including traditional lot width, in building design.
- To encourage high quality contemporary architecture.
- To encourage urban design that provides for a high level of community safety and comfort.
- To limit visual clutter.
- To maintain and where needed, create, a high level of amenity to adjacent residential uses through the design, height and form of proposed development.

Decision guidelines are:

- The contribution of the proposal to the streetscape.
- The design, height and visual bulk of the development in relation to surrounding land uses and developments.
- The design, height and form of the development in relation to the built form character of the street.

Areas of Aboriginal Cultural Heritage Sensitivity

Most of this property is an 'area of cultural heritage sensitivity'. 'Areas of cultural heritage sensitivity' are defined under the Aboriginal Heritage Regulations 2018, and include registered Aboriginal cultural heritage places and land form types that are generally regarded as more likely to contain Aboriginal cultural heritage.

Under the Aboriginal Heritage Regulations 2018, 'areas of cultural heritage sensitivity' are one part of a two part trigger which require a 'cultural heritage management plan' be prepared where a listed 'high impact activity' is proposed. If a significant land use change is proposed (for example, a subdivision into 3 or more lots), a cultural heritage management plan may be triggered. One or two dwellings, works ancillary to a dwelling, services to a dwelling, alteration of buildings and minor works are examples of works exempt from this requirement.

Under the Aboriginal Heritage Act 2006, where a cultural heritage management plan is required, planning permits, licences and work authorities cannot be issued unless the cultural heritage management plan has been approved for the activity.

However alterations to the exterior of a building are an exempt activity under the Regulations (Regulation 14). In addition because the building was lawfully used for the purpose prior to 28 May 2007 the activity is not identified as a High Impact Activity (Regulation 46(3)). As a consequence a Cultural Heritage Management Plan is not required.