

Surf Coast Planning Scheme

Amendment C150surf

Explanatory Report

Overview

This amendment proposes a mapping correction to delete the Heritage Overlay (HO150) from 23 residential properties (see figure 1 below) and the Council Reserve (16A Smith Street) in Winchelsea.

In 2009, the property at 65–67 Main Street, Winchelsea, was assessed as part of the Surf Coast Shire Heritage Study (Stage 2B, revised November 2021) as having local heritage significance. The study specifically recognised the significance of the dwelling known as ‘Balgownie’ and a rear underground tank. In 2010, Heritage Overlay HO150 was applied to the title boundary as part of Amendment C50, which introduced statutory protection for 72 heritage places across the Shire.

In 2022, 65–67 Main Street was subdivided into 23 residential allotments as part of the River View Estate development. Balgownie and the underground tank were retained within a single lot (Lot 2 on PS849520N), but the Heritage Overlay polygon was not updated to reflect the subdivision and now incorrectly applies to the surrounding lots.

The proposed correction will improve the operation of the planning scheme by removing the unnecessary requirement for planning permits for dwellings and buildings and works.

This amendment has been deemed to be a low impact amendment by the Minister under Section 16N of the Act, therefore sections 23 and sections 24 to 27 of the Act do not apply to the amendment. The effect of this means that council, acting as the planning authority, can adopt the amendment and submit it to the Minister for Planning for approval without the need to refer unresolved submissions to a panel.

Where you may inspect this amendment

The amendment can be inspected free of charge at:

- Surf Coast Shire website at <https://yoursay.surfcoast.vic.gov.au/C150surf>
- During office hours, at the Surf Coast Shire offices, 1 Merrijig Drive, Torquay
- Department of Transport and Planning website at <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.

Submissions

Any person may make a submission to the planning authority about the amendment. Submissions about the amendment must be received by **5pm on Monday 11th May 2026**.

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.

Details of the amendment

Who is the planning authority?

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

Land affected by the amendment

The amendment applies to the properties identified in the table below and Figure 1. It's noted that No.15 Warner Street has been further subdivided into two lots, thereby creating an additional lot (23 affected properties in total plus a council reserve).

Street Name	Street No.
Main Street	65A
Warner Street	15, 15A, 17, 18, 19, 20, 21, 22, 23, 24 & 25
Lawerence Court	2, 3, 4, 5 & 6
Smith Street	12, 13, 15, 16A, 17, 19 & 21



Figure 1 Affected Properties

A mapping reference table is attached at **Attachment 1** to this Explanatory Report.

What the amendment does

The amendment makes a mapping correction by deleting the Heritage Overlay (HO150) from 23 properties and the Council Reserve (16A Smith Street) in Winchelsea. Heritage Overlay (HO150) will still apply to 65 Main Street, Winchelsea

(Lot 2) which contains the heritage building Balgownie.

Specifically, the amendment makes the following changes:

Overlay maps

- Amends Planning Scheme Map No. 8HO to remove HO150 from 23 properties plus the Council Reserve located south of Main Street, Winchelsea as they do not have any heritage significance. HO150 will remain on No. 65 Main Street, Winchelsea.

Planning scheme ordinance

- Amends the Schedule to Clause 43.01 (Heritage Overlay) to correct the heritage place listing for HO150. It's proposed to change the street address from 65-67 Main Street, Winchelsea to 65 Main Street, Winchelsea which reflects the cadastral map base.

Strategic assessment of the amendment

Why is the amendment required?

The amendment is required to correct a mapping issue. Currently HO150 applies to multiple properties that do not have heritage significance. In 2022, the heritage place known as “Balgownie” was subdivided creating 23 residential lots. The dwelling was retained along with an underground tank within a single lot (Lot 2 on PS 849520N). The curtilage (Heritage Overlay polygon) around the dwelling however was not amended to reflect the subdivision and incorrectly applies to all subdivided lots.

Under the heritage overlay a planning permit is triggered to construct a dwelling. To date council has issued seven planning permits within the River View Estate to construct a dwelling. This does not include a separate permit issued for the construction of two dwellings and two lot subdivision at 15 Warner Street, Winchelsea.

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

The amendment implements the objectives of planning in Victoria as outlined in section 4(1) of the *Planning and Environment Act 1987* as follows:

- a) *Provide for the fair, orderly, economic and sustainable use, and development of land;*

The amendment will correct a mapping issue which will contribute to fair and orderly planning by removing the Heritage Overlay from properties that do not have heritage significance.

This will avoid unnecessary planning permit applications for future buildings and works proposals, resulting in a more efficient planning system. It will also save landowners time and money by not having to obtain a planning permit to construct a dwelling and will reduce the impact on council resources.

- d) *Conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;*

The Heritage Overlay will continue to apply to the heritage place at 65 Main Street, Winchelsea to ensure its ongoing protection.

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

Environmental effects

The amendment will not have any negative impacts on the natural environment.

The heritage building Balgownie will be protected. The conservation of heritage buildings has environmental sustainability benefits such as reduction in energy usage associated with demolition, minimising waste disposal from demolition and new construction to landfill. Retaining and adapting heritage buildings promotes sustainable development by conserving the embodied energy in existing buildings.

Social effects

The amendment is expected to have positive social effects. The removal of the Heritage Overlay from the subdivided lots will avoid unnecessary planning permit applications which will save landowners time and money and will speed up the construction process.

Economic effects

The amendment will reduce approval costs for landowners as a planning permit will not be required to construct a dwelling. It will also speed up construction timeframes which could save owners/occupiers money particularly if they are renting.

Does the amendment address climate change?

The amendment does not rezone land from a non-urban zone to an urban zone, nor will it result in the intensification of urban land or expose use and development to a natural hazard arising from climate change. The amendment does not require an assessment under Ministerial Direction 22 – Climate Change Consideration.

Does the amendment address relevant bushfire risk?

The amendment does not result in increased development potential, nor change of use of land; it will not increase the bushfire risk to life as a priority, property, community infrastructure or the natural environment.

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

The preparation of this explanatory report has been completed in accordance with the content of Ministerial Direction No 11 – Strategic Assessment of Amendments.

The amendment complies with the requirements of the Ministerial Direction – The Form and Content of Planning Schemes (section 7(5) of the PE Act).

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

The amendment is consistent with the following clauses of the Planning Policy Framework and will assist in achieving objectives of the following clause:

Clause 15.03 – Heritage

The amendment is consistent with the objective of this Clause *“to ensure the conservation of places of heritage significance”*.

This is achieved by the following strategies:

- Provide for the protection of natural heritage sites and man-made resources.
- Provide for the conservation and enhancement of those places that 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.
- Support adaptive reuse of heritage buildings where their use has become redundant.

The amendment will provide protection for Balgownie. The Heritage Overlay polygon will be applied to No. 65 Main Street (Lot 2) which contains the dwelling and underground tank.

The heritage overlay has intentionally been deleted from the adjoining lot to the northeast of Balgownie (No. 65A Main Street) for the following reasons:

- It would be overly burdensome to encumber a standalone lot that does not have any heritage significance.
- The lot is capable of being developed without adversely impacting on the significance, character and appearance of Balgownie. The lot has a width of approximately 13.5 metres and is considered capable of being developed with a dwelling that can be set back appropriately from the street and side boundaries.

Is the amendment consistent with the delivery of the relevant housing target set out in the Planning Policy Framework?

The amendment does not impact the delivery of housing targets in the Surf Coast Shire. The removal of the Heritage Overlay from the 23 residential lots will facilitate the delivery of housing by avoiding the need for a planning permit.

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

The amendment supports the Municipal Planning Strategy of the Surf Coast Planning Scheme, specifically at:

Clause 02.03-5 Built Environment - Heritage - Council seeks to:

- Conserve Aboriginal and post-European contact cultural heritage places in the Shire and manage change in a manner that enhances their significance.

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

The amendment makes proper use of the Victoria Planning Provisions. The Schedule to the Heritage Overlay is the proper mechanism and Victoria Planning Provision to apply to protect places with heritage significance.

The amendment complies with Planning Practice Note 1: Applying the Heritage Overlay. The practice note recognises that there will be occasions where the curtilage and the Heritage Overlay polygon should be reduced in size as the land is of no significance. It reads *“Reducing the curtilage and the polygon will have the potential benefit of lessening the number of planning permits that are required with advantages to both the landowner and the responsible authority”*.

Reducing the curtilage of HO150 to the boundary of Lot 2 is considered appropriate. The Statement of Significance for HO150 identifies the dwelling and underground tank as the significant features of the property. Both have been retained within the title boundary of No.65 Main Street. The dwelling is set back from its eastern boundary which should ensure future development on the adjoining lot does not adversely impact on its significance.

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

The amendment does not require input from other agencies. Council has consulted with the Department of Transport and Planning (DTP) in preparing this amendment.

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

The amendment will have no significant impact on the transport system and will not be at odds with the transport system objectives nor the decision-making principles of the Transport Integration Act 2010.

How does the amendment have regard to the principles set out in the *Yarra River Protection (Wilip-gin Birrarung murrong) Act 2017* in relation to Yarra River land and other land, the use or development of which may affect Yarra River land?

The amendment does not impact Yarra River land.

Resource and administrative costs

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

The removal of the Heritage Overlay will have a positive impact on council resources, by not having staff process unnecessary planning permit applications.

Attachment 1 – Mapping reference table

Location	Mapping Reference	Address	Proposed Zone changes	Proposed Overlay changes	Proposed deletion changes
Winchelsea	Surf Coast C150surf 001d-hoMap08 Exhibition	65A Main Street Winchelsea Warner Street (No.'s 15, 15A, 17, 18, 19, 20, 21, 22, 23, 24 & 25). Lawerence Court (No.'s 2, 3, 4, 5 & 6) Smith Street (No.'s 12, 13, 15, 16A, 17, 19 & 21).			HO150