

CITY OF PORT PHILLIP REPORT

STRATEGY AND POLICY REVIEW COMMITTEE

7 APRIL 2008

SUPPLEMENTARY REPORT

A3	AMENDMENT C68: HERITAGE OVERLAY FOR NIGHTINGALE STREET PRECINCT - CONSIDERATION OF SUBMISSION
LOCATION/ADDRESS:	32 NIGHTINGALE STREET, BALACLAVA
RESPONSIBLE EXECUTIVE DIRECTOR:	GEOFF OULTON, EXECUTIVE DIRECTOR - COMMUNITY DEVELOPMENT AND PLANNING
AUTHOR:	SONIA ANDERSON, STRATEGIC PLANNING
FILE NO.:	66/02/158

1. KEY ISSUE

- 1.1. To consider a further submission received in relation to Amendment C68 to the Port Phillip Planning Scheme, which was not included in the primary report on submissions to the Amendment.

Refer to **Council Report A3**.

2. SUPPLEMENTARY INFORMATION

- 2.1. The total number of submissions lodged in respect of Amendment C68 is now seven (7) -
 - 2.1.1.three (3) submissions (from Department of Sustainability and Environment, South East Water and Melbourne Water) ;
 - 2.1.2.one (1) submission offered support for the amendment; and
 - 2.1.3.three (3) submissions opposed the amendment (including the submission addressed in this report).
- 2.2. The following is an assessment of the additional submission (Submission #7), including a summation of the issues raised by the submitter and officer comments in response.

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Submission 7

Objection

Submitter: Legal Representative for Owner

Property: Nightingale Street, Balaclava

Submission:	Officer Comment:
<p>The submission has been lodged in behalf of the owner of a property in Nightingale Street.</p> <p>The submission states: <i>"Our client objects to the introduction of a permanent Heritage Overlay (HO439) over its property as part of the proposed amendment. It disputes the significance attributed to the existing buildings on its property as described in the documents proposed to be incorporated into the planning scheme, namely the City of Port Phillip Heritage Review – Version 8 (and the Heritage Alliance heritage assessment (July 2005) upon which it is based) and the updated City of Port Phillip Heritage Policy Map (September 2007), which identifies the property as a 'Significant Place'.</i></p>	<p>The subject property was identified as a significant heritage building by Heritage Alliance in a study of the precinct in July 2005. The report describes the main building on the property as:</p> <p><i>"By far the finest of the double-fronted villas in the precinct is that on the corner at 32 Nightingale, which is also evidently one of the oldest surviving houses in the precinct. This ramshackle but well-preserved house has a block-fronted façade to Nightingale Street, top-heavy brick chimneys with roughcast banding, and a prominent return verandah with stop-chamfered posts and a fine cast iron lace frieze. At the rear, fronting the lane way, is a distinctive red brick outbuilding (former stable?) with a hatch at the upper level, of interest as a rare survivor of its type".</i></p> <p>It is worth noting that the heritage citations state that the subject property is the "oldest house in the precinct (pre 1866)".</p>
<p>The submission further states:</p> <p><i>"Our client has obtained heritage advice which suggests that the existing buildings on the property are of contributory significance along with several other properties in Nightingale Street, but not of any individual architectural significance. Our client's heritage advisor has indicated that while the existing dwelling on the property is one of the largest and most prominent buildings in the Nightingale precinct, there are several examples of the same building type and design within inner Metropolitan Melbourne. In addition, no social or historical importance has been identified for the existing buildings."</i></p>	<p>The submitter did not attach a copy of the client's heritage advice to the submission.</p> <p>Both the individual heritage citation and precinct citations prepared for Council include comparative assessments and acknowledge that <i>"modest workers' housing of this type proliferated in Melbourne's inner suburbs in the late nineteenth century".</i></p> <p>However, the comparative assessment further states that <i>"this type of housing, however, was less common in St Kilda."</i></p>

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Submission 7

Objection

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Submission:	Officer Comment:
<p>The submission further states:</p> <p><i>"The existing dwelling on our client's property is in a serious state of disrepair and is in need of reconstruction. Based on advice obtained from structural engineers, the cost of reconstructing the buildings in their original form is expected to be impracticable. Our client submits that these factors need to be reflected in the degree and nature of heritage protection afforded to the property."</i></p>	<p>The condition of a building (i.e. whether it is in a poor state of repair) does not necessarily negate its heritage significance.</p> <p>Structural issues are addressed at the planning permit stage.</p>
<p>The submission further states:</p> <p><i>"As Council would be aware, our client has applied for a planning permit to demolish and redevelop the buildings on the property. We note that our client had previously commenced demolition of the existing buildings pursuant to a building permit but ceased following the introduction of interim heritage controls over the property."</i></p>	<p>Noted.</p> <p>The Interim Heritage Overlay for the subject property was granted on 25 July 2007.</p>
<p>The submission further states:</p> <p><i>"Our client considers that there is scope to respect the existing character of the neighbourhood and reflect some of the characteristics of the existing buildings in the design proposal for the redevelopment of the property."</i></p>	<p>Amendment C68, through the introduction of a Heritage Overlay, addresses the broad matter of recognising the heritage significance of the precinct and establishes the planning control framework for any proposed buildings and works (ie demolition of individual buildings and / or new development).</p> <p>The Heritage Overlay provides the opportunity to consider an appropriate replacement development (having regard to Council's Heritage Policy) in the event that a permit is issued for the demolition of an existing building.</p> <p>Any design proposal for the redevelopment of the subject site would therefore be assessed at the planning application permit stage.</p>

Officer Advice: Refer submission to Panel and recommend the property remain in the Heritage Overlay as proposed.

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3. RECOMMENDATION

That Council considers this additional written submission in conjunction with its consideration of item A3 – Amendment C68: Heritage Overlay for Nightingale Street Precinct – Consideration of Submissions.