

STRATEGY AND POLICY REVIEW COMMITTEE
5 SEPTEMBER 2005 **POLICY AND PLANNING**

A1	ELWOOD HERITAGE REVIEW STUDY DOCUMENT AND AMENDMENTS C54 & C55 TO IMPLEMENT THE ELWOOD HERITAGE REVIEW STUDY DOCUMENT
LOCATION/ADDRESS:	ELWOOD NEIGHBOURHOOD
RESPONSIBLE EXECUTIVE DIRECTOR:	GEOFF OULTON, EXECUTIVE DIRECTOR, CITY DEVELOPMENT
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FILE NO.:	66/04/69
ATTACHMENTS:	ELWOOD HERITAGE REVIEW – VOLUMES 1 & 2

1. KEY ISSUES

- 1.1. The City of Port Phillip's on-going commitment to the conservation and protection of cultural heritage within its municipal boundaries is reflected in a number of Council documents, in particular:
- Community Plan 1997 – two objectives were identified for the priority area of Planning and Development - "to encourage housing and commercial development which responds to our unique heritage and Community environmental values and maintains, social, cultural and economic diversity"; and "maintain the unique streetscapes of the area."
 - Council Plan 2005/2009 – Strategy 4.5 "*Promote Port Phillip's cultural heritage*"; and Strategy 4.6 "*Remain vigilant in protecting the city's built heritage.*"
- 1.2. At a regional level, the *Melbourne 2030* strategy reinforced the need for a strong strategic basis for heritage controls while ensuring that the housing need of the municipality can adequately be met. *Melbourne 2030* identifies heritage as an important element of what makes the metropolitan area "liveable" and "attractive". Directive 5: A Great Place To Be specifically seeks to protect heritage through the following policies –
- Policy 5.2 – *Recognize and protect cultural identity, neighbourhood character and sense of place.*
 - Policy 5.4 – *Protect heritage places and values.*
- The key initiative of this direction is to "*Ensure that planning schemes reflect the full extent of heritage values in each municipality*".

- 1.3. Council's involvement in a number of initiatives of *Melbourne 2030* – most recently the draft Inner Melbourne Action Plan (IMAP) and the draft Inner Region Housing Statement (IRHS) has reinforced the need for Port Phillip Council to continue to support its commitment to protecting the built heritage within the municipality.
- 1.4. As a result Council has undertaken significant strategic work which has included:
 - A review of all heritage studies from pre-amalgamation;
 - Adoption and implementation of the Port Phillip Heritage Review 2000;
 - Planning scheme amendments to correct mapping and typographic errors;
 - Commissioning of heritage studies (such as the recent East St Kilda Heritage Study and the Elwood Heritage Review);
 - Implementation of heritage studies (Amendment C46: East St Kilda Heritage Study).
- 1.5. The identification and protection of valued heritage assets within the municipality is an ongoing process.

2. CONTEXT

- 2.1. All municipalities contain important heritage places, such as individual buildings and precincts, and local councils have a role to play in recording and protecting these places. The importance of protecting places of heritage significance has been recognized in state planning legislation and the State Planning Policy Framework. The Planning and Environment Act 1987 requires that councils use their planning schemes to implement the objectives of planning in Victoria including:
 - *“To conserve and enhance buildings, areas and other places which are of scientific, aesthetic, architectural, or historical interest, or otherwise of special cultural value.”* (Section 4(1)(d) Planning and Environment Act 1987)
- 2.2. For many years, the historic fabric of built heritage within the municipality has been considered an important element of the City of Port Phillip municipality. Prior to amalgamation of the former Port Melbourne, South Melbourne and St Kilda municipalities a number of heritage studies were produced. South Melbourne Council first began producing heritage studies in 1975, Port Melbourne Council in 1979 and St Kilda Council began in 1982. At the time of amalgamation, heritage protection was applied to a significant proportion of those municipalities.
- 2.3. Following amalgamation and coinciding with the introduction of new format planning scheme guidelines, the City of Port Phillip instigated an intensive review of heritage places and areas within the new municipality. This review culminated in a document entitled the Port Phillip Heritage Review 2000.

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- 2.4. The Port Phillip Heritage Review 2000 included a heritage survey of each street within the new municipality of Port Phillip and a review of the heritage studies produced by the former municipalities of Port Melbourne, South Melbourne and St Kilda.
- 2.5. In December 2000, the Port Phillip Heritage Review was implemented as a part of the Port Phillip Planning Scheme through an update of the schedule Heritage Overlay (Clause 43.01), the introduction of new Heritage Policy (Clause 22.04) in the Local Planning Policy Framework, and listing of the Heritage Review document itself as an Incorporated Document (Schedule to Clause 81).
- 2.6. Although the Port Phillip Heritage Review 2000 was a comprehensive study, a number of “gaps” have been identified by Councillors, Council staff and residents across the municipality. These “gaps” have generally ranged from inconsequential errors in datasheet text to whole areas of the municipality having been excluded from heritage consideration.
- 2.7. In respect of the Elwood neighbourhood, the “gap” identified was primarily due to the lack of a comprehensive heritage study for the Elwood neighbourhood.
- 2.8. On the 29 November 2004, council appointed Heritage Alliance as the heritage consultant to carry out a survey, background research and heritage assessment of places and areas within a defined study area of the Elwood neighbourhood.
- 2.9. The defined study area consisted of the “land bound by Dickens Street to the north, heading south along Brighton Road to Los Angeles Court and across to Hotham Street, following the municipal boundary along Glenhuntly Road, St Kilda Street, Head Street and the foreshore.”(Refer to Attachment, page 4 of Volume 1 for a map of the study area.) The study area was chosen because a significant proportion of the properties were not subject to the existing surrounding Heritage Overlays - HO7, HO8 and H0318.
- 2.10. The project brief for the Elwood Heritage Review sought the following outcomes:
 - *A revision of the thematic history for the Elwood neighbourhood, which would expand on the existing thematic history currently cited in the Heritage Review.*
 - *Identify and assess places and areas that are of heritage significance to Elwood and the City of Port Phillip and have not been previously identified.*
 - *Create datasheets (also referred to as citations) for the identified places and areas.*
- 2.11. The consultants, Heritage Alliance, undertook an assessment of heritage significance in accordance with the Australia ICOMOS Burra Charter 1999 and its guidelines. Each place was considered in terms of the definition in Clause 22.04 - Heritage Policy of the Port Phillip Planning Scheme of “significant”, “contributory” and “non-contributory”.

- 2.12. Clause 22.04 provides definitions as follows:
- *Significant heritage places include buildings and surrounds that are individually important places of either State, regional or local heritage significance, or are places that together within an identified area, are part of the significance of a heritage overlay.*
 - *Contributory heritage places include buildings and surrounds that are representative heritage places of local significance, which contribute to the significance of a heritage overlay.*
 - *Non-contributory properties are buildings that are neither significant nor contributory.*
- 2.13. To provide assistance to the consultants, Council set up a Reference Group comprising of community members known for their historical knowledge of Elwood. Some of the Reference Group members are also members of the St Kilda Historical Society and the Art Deco Society. The purpose of the Reference Group was to critique nominated places and areas to be included in the study and provide editorial advice on the content of the datasheets.
- 2.14. Following the formation of the Reference Group, an invitation to attend a community workshop on 22 February 2005 was sent out to all property owners and occupiers within the study area and a general notice was placed on the Council website.
- 2.15. At the workshop an overview of the proposed heritage study was presented followed by a discussion whereby workshop attendees provided their nominations, both verbally and by filling in feedback sheets, on potential heritage places for investigation by the consultant. Approximately 40 people attended the workshop.
- 2.16. The first stage of the study, included preparation of the draft revised thematic history and was then reviewed by the Reference Group. Consequential stages involved reviewing nominations put forth by the consultant, the Reference group and attendees to the community workshop. Later stages of the study involved the preparation of datasheets on the nominated precincts and individual heritage places. The Reference Group then reviewed these datasheets and provided final comments and approval at a final meeting on 21 August 2005.
- 2.17. The study was completed on 30 June 2005 and the resultant two-volume study document – the Elwood Heritage Review is attached.
- 2.18. Volume 1 of the study document contains the following–
- *The study background and methodology;*
 - *A thematic history with statement of significance;*
 - *Datasheets for 4 precincts;*
 - A recommendation to consider reviewing the existing heritage overlay precincts, known as HO7, HO8 and HO318 to allow for some expansion of these areas.

2.19. Volume 2 of the study document contains –

- Datasheets for individual heritage places both recommended for implementation; and
- Datasheets for individual places that have been identified but not considered for individual heritage protection.

3. PROPOSAL

3.1. The findings of the Elwood Heritage Review 2005 are as follows:

- The revised thematic history prepared in the study better reflects the “complex and multi-layered history of the Elwood area”.
- The four precincts recommended for inclusion in a heritage overlay are:
 - Addison Street / Milton Street Residential Precinct
 - Elwood Canal Precinct
 - Byron Street / Mason Avenue Residential Precinct
 - McCrae Street Residential Precinct

There are 280 buildings in the Addison Street / Milton Street Residential Precinct, 90 buildings in the Byron Street / Mason Avenue Residential Precinct and 16 buildings in the McCrae Street Residential Precinct. A number of the buildings in the Addison Street / Milton Street and Byron Street / Mason Avenue Residential Precincts are strata flats under separate title.

The land tenure of Elwood Canal varies along the length of the canal and is managed and maintained by a number of overlapping responsible authorities including Council, Melbourne Water, VicRoads, Elwood Secondary School and Elwood Primary School.

- For the identified individual places, the recommendation is for each of the following properties to be included in a heritage overlay. The individual heritage places are as follows:
 - 9 Alfriston Street, Elwood
 - 6 Austin Avenue, Elwood;
 - 38 Austin Avenue, Elwood;
 - 345 Barkly Street, Elwood;
 - 1 – 5 Bell Street, Ripponlea;
 - 2, 4 & 6 Browning Street, Elwood;
 - 38 Byron Street, Elwood;
 - 32 Byron Street, Elwood;
 - 13 Daley Street, Elwood;
 - 34 Docker Street, Elwood;
 - 22- 22A Foam Street, Elwood;

- 2 Hood Street, Elwood;
- 2 Hotham Grove, Ripponlea;
- 7 – 9 Hotham Grove, Ripponlea;
- 24 – 30 John Street, Elwood;
- 22 – 24 Kingsley Street, Elwood;
- 19 Lindsay Avenue, Elwood;
- 73 Marine Parade, Elwood;
- 83 – 85 Mitford Street, Elwood;
- 51 Ormond Esplanade, Elwood;
- 123 Ormond Esplanade, Elwood;
- 33 Pine Avenue, Elwood;
- 7 Rainsford Street, Elwood;
- 31a & 31b Scott Street, Elwood;
- 54 Southey Street, Elwood;
- 54 & 56 Spray Street, Elwood;
- 473 St Kilda Street, Elwood;
- 63 – 67 Tennyson Street, Elwood;
- 104 – 108 Tennyson Street, Elwood.
- Beach Kiosk, Community Centre & Café; and Surf Lifesaving Club on the Elwood Foreshore.

There is total of 57 individual buildings identified for inclusion in the heritage overlay, of which 8 buildings contain strata flats under separate title. Of these 57 buildings, 32 will be identified as an individual place in the Schedule to the Heritage Overlay and 25 will be included in the abutting heritage overlay precinct, such as HO7, as their reasons for inclusion are similar to the significance of that general Elwood area. A separate datasheet will still be included in the Port Phillip Heritage Review for these properties.

- 3.2. The Extended Precincts section (Section 5) in Volume 1 of the study document was not included in the original project brief. However the recommendation provides an indication of future heritage work that may need to be undertaken.
- 3.3. Implementation of these recommendations will require Council to proceed with a planning scheme amendment subject to the necessary Ministerial authorization.

4. OPTIONS

- 4.1. The heritage consultants, Heritage Alliance, have fully researched the study area defined for the Elwood Heritage Review (refer Attachment, page 4), including areas that were outside of the study brief, using historic MMBW maps, various Sands and McDougall Directories, and input from the Reference Group as well as various other sources.
- 4.2. The recommendations of the Elwood Heritage Review 2005 are that the areas and places identified as having heritage significance within the study area be included in the Schedule to the Heritage Overlay Table in the Port Phillip Planning Scheme.

4.3. Option 1

That Council proceeds with the following process:

- Adopt the Elwood Heritage Review 2005 to give effect to the revised thematic history, heritage precincts and individual heritage places; and
- A request be made to the Minister for Planning seeking authorisation to prepare and exhibit a planning scheme amendment - Amendment C54 - to implement the revised thematic history, heritage precincts and individual heritage places as recommended in the Elwood Heritage Review 2005 through the introduction of new local planning policy and new heritage overlays; and
- A request be made to the Minister for Planning to approve interim controls - Amendment C55 - to give effect to the revised thematic history, heritage precincts and individual heritage places as recommended in the Elwood Heritage Review 2005 as an interim protection measure during the preparation and public exhibition process for Amendment C54.

Preparation of planning scheme amendment

This option will require a significant time commitment for staff in order to prepare the necessary documentation for the two requests to the Minister and the two planning scheme amendments (Amendments C54 and C55).

The amendment process will require notification of all owners, occupiers, interested parties and relevant government agencies of land affected by proposed planning scheme amendments by direct mail.

Ministerial Authorisation

A request made to the Minister for Planning for authorisation to prepare a planning amendment will generally take in order of 4 – 6 weeks for a response. Ministerial consideration of the request to prepare a planning scheme amendment may result in three possibilities:

- The proposed amendment is inconsistent with State policy or interests and will not be authorised to proceed; or
- The proposed amendment may have an impact on State policy or interests but is authorised to proceed; or

- The proposed amendment is of local significance only and is authorised to proceed.

The Elwood Heritage Review 2005 is of local significance only and is not inconsistent with State policy or interests in respect of heritage protection. Therefore it is considered to be highly likely that Ministerial authorisation will be granted to proceed with Amendment C54.

Interim Controls

A request to the Minister for Planning for interim controls is a request for the Minister to exercise the power of intervention in accordance with to Planning Practice Note - *Ministerial Powers of Intervention in Planning and Heritage Matters*. The criteria that the Minister is likely to apply in considering this request are as follows:

- The matter will be one of genuine State or regional significance.
In this situation, the Minister may consider the request in terms of its impact on the implementation of Melbourne 2030 objectives.
- The matter will give effect to an outcome where the issues have been reasonably considered and the views of affected parties are known.
Affected parties in this example are the owners of the properties within the precincts and individual places of heritage significance identified in the Elwood Heritage Review 2005.
- The matter will be the interim provision or requirement and substantially the same provision or requirement is also subject to a separate process of review (such as the introduction of permanent controls in a planning scheme).
Amendment C55 (interim controls request) will introduce the same planning controls as Amendment C54.
- The matter will raise issues of fairness or public interest.

The intention is to apply Heritage Overlay controls to the precincts and places of heritage significance identified in the Elwood Heritage Review 2005 without public exhibition to allow interim protection of these areas and places while Amendment C54 is being prepared for public exhibition. The interim controls will be implemented as Amendment C55.

Section 29(a) of the Building Regulations require that a building surveyor must request the consent of Council before a permit is issued for demolition of a building. To prevent ad hoc requests to the Minister for interim protection, it is considered appropriate to request that an interim controls be introduced during the exhibition process of the formal amendment and until final adoption of that amendment.

Such requests to the Minister have generally been supported in the past. A similar process was undertaken for the East St Kilda Heritage Study amendment.

Heritage Risks

There are risks that may occur during the preparation and exhibition stage of the Amendment C54. This is because the heritage study has no legal standing and therefore is not enforceable as there are no statutory controls associated with a heritage study. This is why it is necessary to have Interim Heritage Overlay Controls (Amendment C55).

4.4. Option 2

That Council proceeds with the following process:

- As in Option 1, adopt the Elwood Heritage Review 2005; and
- Request from the Minister for Planning authorisation to prepare and exhibit a planning scheme amendment - Amendment C54.

Heritage Risks

As mentioned in Option 1, there are risks that may occur during the preparation and exhibition stage of the Amendment C54. This risk is likely to be significant as there are no Interim Controls in place. Because the heritage study has no legal standing as there are no statutory controls associated with a heritage study. Therefore the heritage controls in the planning scheme cannot be enforced. Public exhibition of Amendment C54 will indicate Council's intention and may trigger a consequential increase in the number of applications for demolition by developers.

5. RECOMMENDED OPTION

5.1. Officer's Recommendation

Option 1 is the officer's recommended option.

6. POLICY IMPLICATIONS

- 6.1. The Elwood Heritage Review builds upon the City of Port Phillip's Heritage coverage within the Council's existing policy framework.

By not implementing the recommendations of the study the value of the city's cultural heritage could be lost.

7. SUSTAINABILITY IMPLICATIONS

7.1. Social

Adoption and implementation of the recommendations of the Elwood Heritage Review 2005 will assist with the preservation of Elwood. Full exhibition of the amendment will allow accessibility for all people to the proposed amendment.

7.2. Economic

The identification of a place (individual building or precinct) as significant and its inclusion in the Heritage Overlay does not prohibit development or future alterations/additions. Clause 22.04 - Heritage Policy of the Port Phillip Planning Scheme provides direction for sympathetic alterations.

7.3. Environmental

Adoption and implementation of the Elwood Heritage Review 2005 will allow protection to those properties identified as having heritage significance and therefore decrease the energy expended in demolishing houses and building new places.

7.4. Cultural

Adoption and implementation of the Elwood Heritage Review 2005 will ensure the cultural heritage of Elwood is retained through its fabric. All affected owners and occupiers will be notified directly of the proposed cultural assets that affect their property.

8. RESOURCE IMPLICATIONS

- 8.1. Amendment C54 will lead to the inclusion of an additional 548 freehold properties which may require permits for any and all buildings and works.

9. INTERNAL CONSULTATION

- 9.1. Councilor Janet Cribbes (Ormond Ward) and Councilor Dick Gross (Blessington Ward) have been briefed at all stages of the development of the Elwood Heritage Review. Councilor Cribbes has been the Council's representative on the project Reference Group.
- 9.2. A briefing session with the Port Melbourne – Elwood neighbourhood team in Statutory Planning took place on 24 February 2005 and the neighbourhood team has been updated as the study has been progressed. Copies of the datasheets have been made available to the team.
- 9.3. The Urban Services unit was contacted during the process of the Elwood Heritage Study– in particular staff involved in capital works projects associated with the Elwood Canal and its riparian margins. Copies of the Elwood precinct datasheet were forwarded as they were completed. Urban Services staff expressed concerns about the implications of Heritage Overlay controls on the Council's capital work programme for the Elwood Canal.
- 9.4. Information about the study has been provided to the Assist team to enable staff to answer basic queries in order to meet Same Day Service objectives.

10. EXTERNAL CONSULTATION

- 10.1. A Reference Group was formed to provide nomination and editorial advice on the study. Members of the Reference Group are also members of either the St Kilda Historical Society and/or the Art Deco Society. This group have viewed, edited and approved the final Elwood Heritage Study.
- 10.2. A community workshop was held on 22 February 2005 to both inform the community of what the objectives of the heritage study are, and to gain information that they may have on the study area.
- 10.3. A brief overview of Elwood Heritage Study was presented at the Elwood-Ripponlea Neighbourhood Forum on 20 June 2005.
- 10.4. A draft copy of the Elwood Heritage Review was forwarded to the Department of Sustainability and Environment.
- 10.5. A copy of the relevant datasheet has been sent to each owner of the properties listed for inclusion in an individual or precinct heritage overlay.
- 10.6. The Elwood Heritage Review document has been placed on Council's internet website and hard copies have been placed at the St Kilda and Port Melbourne Libraries and at the St Kilda and South Melbourne Town Hall receptions.

11. IMPLEMENTATION

- 11.1. The Amendment C54 will be advertised to the affected residents through individual notification in accordance with the requirements of the Planning and Environment Act 1987, as well as to the St Kilda Historical Society and the Art Deco Society, and a Notice in the Leader and the Emerald Hill Times.
- 11.2. The existing webpage on the City of Port Phillip website will be updated to explain the intent of this amendment. A copy of the Heritage Study will be made available on the web page.
- 11.3. It is considered that media releases for this amendment will be required to keep the community informed, through articles in the diversity column of the Emerald Hill Times, the Divercity newsletter and the Port Phillip Leader.
- 11.4. Amendment C54 will be placed on exhibition for a period of one calendar month after which time Council will be required to consider all submissions made to the proposed amendment.
- 11.5. During the exhibition period, submissions may be received from affected persons. Matters unable to be resolved may be reviewed by an independent Panel set up by the Minister for Planning.

12. CONCLUSION

- 12.1. It is recommended that Council resolve to adopt Option 1.

It is considered that the final product of the Elwood Heritage Study is of a high standard and includes appropriate comparative analysis to other parts of the municipality. The implementation of the heritage study is considered necessary to ensure the significant heritage properties within Elwood are retained and managed appropriately.

A mail out to all owners and occupiers in accordance with the provisions of the Planning & Environment Act, would be appropriate to ensure that adequate notification is given regarding the proposed implementation of the Elwood Heritage Study into the Port Phillip Planning Scheme.

13. RECOMMENDATIONS

- 13.1. That Council resolves to adopt the Elwood Heritage Review 2005
- 13.2. That, in accordance with Section 9(a) of the Planning and Environment Act 1987, Council resolves to request that the Minister for Planning authorise the preparation and exhibition of Amendment C54 to the Port Phillip Planning Scheme to implement the recommendations of the Elwood Heritage Review 2005.
- 13.3. That, subject to Ministerial authorisation and in accordance with Section 19 of the Planning and Environment Act 1987, Council resolved to prepare and place on exhibition Amendment C54 to the Port Phillip Planning Scheme to implement the findings of the Elwood Heritage Review 2005 by including those places within the Port Phillip Heritage Review and amending the Schedule to the Heritage Overlay, the Heritage Overlay Maps, the Heritage Overlay Policy Map, and the Neighbourhood Character Policy Map accordingly of the Port Phillip Planning Scheme.
- 13.4. That, in accordance with Section 20(4) of the Planning and Environment Act 1987, Council resolves to request the Minister for Planning introduce interim heritage controls to the precincts and individual heritage places as recommended for inclusion in the Schedule to the Heritage Overlay and the Heritage Overlay maps in the Port Phillip Planning Scheme.
- 13.5. That, Council resolves to authorise the Executive Director City Development to finalise the amendment documentation.