



**6.2** AMENDMENT C157 - EXTENSION OF INTERIM HERITAGE CONTROLS - FISHERMANS BEND HERITAGE AREAS

**EXECUTIVE MEMBER:** LILI ROSIC, GENERAL MANAGER, CITY STRATEGY AND SUSTAINABLE DEVELOPMENT

**PREPARED BY:** KELLY WHITE, SENIOR STRATEGIC PLANNER

**1. PURPOSE**

- 1.1 To consider whether to make a request to the Minister for Planning, for the extension of the interim heritage controls for 496-510 City Road and 157-163 Montague Street, South Melbourne (shops and houses).

**2. EXECUTIVE SUMMARY**

- 2.1 Interim heritage controls apply to 496-510 City Road and 157-163 Montague Street, South Melbourne. They are set to expire on 31 January 2019.
- 2.2 Council is undertaking further heritage work to determine further heritage work in relation to these properties and others in Fishermans Bend in line with advice from the Minister for Planning.
- 2.3 This work is not due to be completed until mid-2019. A planning scheme amendment process will be required to implement the findings of this further work.
- 2.4 On this basis, the interim heritage controls applying to 496-510 City Road and 157-163 Montague Street, South Melbourne will need to be extended to ensure that the properties are protected while further heritage investigations are completed.

**3. RECOMMENDATION**

That the Planning Committee:

- 3.1 Writes to the Minister for Planning to request an extension of the interim heritage controls applying to 496-510 City Road and 157-163 Montague Street, South Melbourne (shops and houses) until 31 January 2020.

**4. KEY POINTS/ISSUES**

- 4.1 In 2013, the *Fishermans Bend Heritage Study* was commissioned by Development Victoria as an input to the strategic planning for Fishermans Bend. The Study identified sites of potential heritage significance that were not included in a Heritage Overlay and recommended further investigation to determine their level of significance.



- 4.2 In 2014, Council commissioned the *Fishermans Bend Additional Heritage Place Assessments* to undertake the further detailed assessments, and where required, recommend additional heritage protection to be implemented via an amendment to the Port Phillip Planning Scheme.
- 4.3 Amendment C117 was prepared by Council to implement the recommendations of these two studies. Council also requested that the Minister for Planning apply interim heritage controls at that time to protect the sites while Amendment C117 was progressed, which were approved.
- 4.4 Amendment C117 was exhibited for one month commencing 25 February 2016. 10 submissions were received, 6 of which were objections. The submissions were referred to an independent Planning Panel which conducted a public hearing over three days in August 2016.
- 4.5 The objectors included the owners of the shops and houses at 157-163 Montague Street and 496-510 City Road, South Melbourne who disputed the inclusion of these sites into Heritage Overlay 442 (HO442), which is a precinct based control applying to Albert Park (shown in **Attachment 1**).
- 4.6 The Panel acknowledged the heritage significance of the buildings at 157-163 Montague Street and 496-510 City Road but considered the application of HO442 to be inappropriate and that there '*may be other sites within the Montague precinct that could warrant inclusion in heritage overlays and this should be investigated further*'.
- 4.7 They ultimately recommended that Council '*assess the former Montague slum neighbourhood for potential heritage significance, as a potential precinct, a series of individual buildings / infrastructure items or serial listing*'.
- 4.8 The Minister supported the Panel's recommendations and removed the properties at 157-163 Montague Street and 496-510 City Road from the Amendment C117 when it was gazetted on 4 May 2017.
- 4.9 At that time, the Minister recommended that Council liaise with the Fishermans Bend Taskforce to undertake further strategic work in the form of a heritage study of the Montague Precinct to further establish the significance of the properties. The interim controls on 157-163 Montague Street and 496-510 City Road were retained on this basis.
- 4.10 *Life on the Bend – A Social History of Fishermans Bend, Melbourne* was finalised in October 2017. While the Context study explored the thematic social history of Fishermans Bend (including Montague), its scope did not extend to identifying specific fabric that may be worthy of formal heritage protection.
- 4.11 On 5 October 2018, the *Fishermans Bend Framework* (Fishermans Bend Taskforce, 2018) was finalised. The Framework identifies additional sites in Fishermans Bend as '*Recommended for heritage investigation (subject to further heritage assessment)*'.
- 4.12 A more detailed heritage assessment of places within Fishermans Bend is therefore now required to further investigate the potential heritage significance of these sites (including the properties at 496-510 City Road and 157-163 Montague Street).



- 4.13 Council officers have appointed consultants to undertake this work, which is currently in progress and is anticipated to be finalised in mid-2019. The findings would inform a future amendment to the Port Phillip Planning Scheme (possibly as part of the implementation of precinct plans for Fishermans Bend).
- 4.14 Extension of the interim heritage controls applying to 496-510 City Road and 157-163 Montague Street, South Melbourne is therefore required until permanent controls for the sites are determined.

## 5. CONSULTATION AND STAKEHOLDERS

- 5.1 The owners of 496-510 City Road and 157-163 Montague Street, South Melbourne have been invited to attend this meeting and have previously been advised of Council's intention to undertake a further heritage assessment of the shops and houses at those addresses.
- 5.2 As an outcome of the heritage assessment, a future planning scheme amendment for permanent controls may be progressed. Any amendment would undergo a formal public exhibition process in accordance with the requirements of the *Planning and Environment Act 1987* (the Act). This would provide an opportunity for affected and interested persons/groups to make submissions and have their views considered by Council and any Planning Panel that may be appointed to consider such an amendment.

## 6. LEGAL AND RISK IMPLICATIONS

- 6.1 No significant risk implications have been identified in relation to the processing of an amendment to extend the interim heritage controls. The amendment will be processed in accordance with the requirements of the Act.

## 7. FINANCIAL IMPACT

- 7.1 The statutory fee for an amendment to be processed by the Department of Environment, Land, Water and Planning will be met through the annual budget allocation for the Planning Scheme Amendments Program.

## 8. ENVIRONMENTAL IMPACT

- 8.1 Extending the interim heritage controls will have a positive environmental impact by protecting places of historic significance and facilitating the reuse and recycling of existing building stock.

## 9. COMMUNITY IMPACT

- 9.1 Extending the interim heritage controls will have a positive social effect through the preservation of historically significant places, for the benefit of current and future generations.



- 9.2 The planning scheme amendment is not expected to have any significant economic impact on the community. Planning Panels have established the principle that social and economic effects relevant at the Amendment stage are those of a broad community nature rather than those of a personal kind (see: *Panel Report - Amendment C207 to the Melbourne Planning Scheme*).

## 10. ALIGNMENT TO COUNCIL PLAN AND COUNCIL POLICY

- 10.1 Implementation of heritage controls is consistent with Direction 4: *We are growing and keeping our character* and Outcome 4.2: *A City of diverse and distinctive neighbourhoods and places*, through 'protecting heritage places that represent our historic, social, cultural and architectural identity' of the Council Plan 2017-27.

## 11. IMPLEMENTATION STRATEGY

- 11.1 Should the Planning Committee request an extension to the interim heritage controls applying to 496-510 City Road and 157-163 Montague Street, South Melbourne, a request will be submitted to the Minister for Planning within 10 business days. Such an amendment would come into effect when notice is published of its approval in the Government Gazette.
- 11.2 Following this Meeting, the owners of 496-510 City Road and 157-163 Montague Street, South Melbourne will be notified of the Committee's decision.
- 11.3 If the Committee supports making a request to extend the interim heritage controls, details of the required planning scheme amendment will be made available on Council's website.

## 12. OFFICER DIRECT OR INDIRECT INTEREST

- 12.1 No officers involved in the preparation of this report have any direct or indirect interest in the matter.

**TRIM FILE NO:**

**66/02/271**

**ATTACHMENTS**

**1. Location Map 157-163 Montague Street and 496-510 City Road, South Melbourne**