

6.1 Amendment C142 (Review of Heritage Overlay 6, East St Kilda) - Consideration of Submissions and request to proceed to Independent Planning Panel

Question from Inga Walton on behalf of Mina Gordon

Ms Walton read out a series of questions concerning the effects of a heritage overlay on the neighbourhood, property values and property owners.

- 1) What is the purpose of this heritage overlay?
- 2) How will the neighbourhood benefit? How will the individual homeowners benefit?
- 3) Will it make it harder to sell our properties?
- 4) Will it bring the price down on an individual property?
- 5) Will it make it harder to repair or renovate a property?
- 6) At what point of disrepair will a property be allowed to be torn down?
- 7) Will there then be restrictions on what may be built in its place?
- 8) Why were properties that were considered of no significance in previous reports now targeted?
- 9) Is there any possibility of getting our property, 44 Hotham Street, our residence and only financial asset off the list of properties presently under consideration for heritage overlay?

Response

Thank you for your questions to Council about Amendment C 142 which Ms Inga Walton provided on your behalf to the 28 August 2019 Planning Committee meeting. At that meeting the nine questions were taken on notice to allow Council officers time to draft a response. Please find that response to your questions below:

I. What is the purpose of this heritage overlay?

Councils have a responsibility to ensure that buildings, areas and other places of scientific, aesthetic, architectural or historical interests are conserved under the Planning and Environment Act 1987. The heritage overlay is a planning tool used to protect places of heritage significance and may include places of both State and Local significance.

Heritage Overlay 6 is a precinct-based heritage overlay which covers a large area of the St Kilda East area. The area is locally significant to Port Phillip for many reasons, including its evidence of the successive waves of growth in St Kilda from the mid nineteenth century to the mid twentieth century and the existence of a rich and diverse collection of residential buildings. Full details of the significance of the precinct are outlined in the HO6 Citation which is proposed to be updated in Amendment C142 and can be viewed on Council's website at <http://www.portphillip.vic.gov.au/Amendment-C142.htm>. The purpose of HO6 is to conserve and protect those elements which contribute to the significance of the precinct and to ensure that new development does not adversely affect the heritage values of the precinct.

2. How will the neighbourhood benefit? How will the individual homeowners benefit?

Amendment C 142 is anticipated to have a positive community benefit through the ongoing protection of historically significant places in the St Kilda East area for the benefit of current and future generations. Similarly, individual homeowners will benefit through ensuring that

the area that they live or own property in continues to have its valued heritage and character preserved into the future.

3. Will it make it harder to sell our properties? And will it bring the price down on an individual property?

Please note that Questions 3 and 4 have been combined as the answers are related.

The character of Port Phillip's neighbourhoods and heritage areas are highly valued by our community, and are one of the many attractors to living in Port Phillip. In fact, a large proportion of the municipality is in the heritage overlay.

As urban planners, the property market is not our area of expertise, and while we are unable to advise of the potential market impacts, a report prepared for Heritage Victoria in 2001 comments on the impact of heritage listings upon property values. While it was prepared some time ago, the principles are still valid. It concludes:

'Research studies, both domestic and international, indicate that heritage listing on a macro level, is not a significant factor in determining property value either at the time of listing or following.

However, there are individual cases where the effects are more significant, either positive or negative.

It is often difficult to estimate the specific heritage listing on the value of a property since heritage controls do not prohibit development, subdivision or demolition but require that approval be obtained. Where there is some capacity to develop the particular place, and achieve additional development on the land without seriously compromising the heritage significance of the place, the impact on values may not be as great as where the capacity for further development is more limited'.

4. Will it make it harder to repair or renovate a property?

The Heritage Overlay does not prevent the development of a site, but rather ensures that heritage matters are considered at the planning permit stage by requiring that approval is obtained. However, not all works to building within a heritage overlay will require a planning permit, including internal modifications and routine repairs and maintenance which do not change the appearance of the property and are undertaken to the same details, specifications and materials. This was something you expressed some concern about in your verbal submission to the Planning Committee.

To assist residents in heritage areas, Council employs an Urban Design and Heritage Advisor. The assistance is free to owners of all residential and commercial historic buildings in the municipality and can assist with understanding the opportunities and limitations of heritage controls and policies.

5. At what point of disrepair will a property be allowed to be torn down?

Council's local heritage Policy included in the Port Phillip Planning Scheme outlines the situations in which Council may support demolition of a heritage place. The policy states the following:

'... It is policy to:

- Refuse the demolition of a significant building unless and only to the extent that:
 - o The building is structurally unsound;
 - o The replacement building and/or works displays design excellence which dearly and positively supports the ongoing heritage significance of the area.
- Refuse the demolition of a contributory building unless and only to the extent that:
 - o The building is structurally unsound, and either
 - o The replacement building and/or works displays design excellence which clearly and positively supports the ongoing heritage significance of an area, or

- In the exceptional circumstances the streetscape is not considered intact or consistent in heritage terms.'

In short, unless a property can be deemed structurally unsound by a qualified building surveyor. Council would refuse the demolition of a property graded 'Significant' or 'Contributory' within a heritage overlay.

6. Will there then be restrictions on what may be built in its place?

New development within a heritage overlay will need to ensure that it does not detract from the heritage significance of the heritage place. Council's local heritage policy provides guidance on this by seeking to 'ensure that new development ... maintains the significance of the heritage place and employs a contextual design approach'. This means that new development should respond to the scale, setting and built form, roof forms, and building materials, and other key features of nearby significant and contributory buildings.

As mentioned earlier in this letter, Council's Urban Design and Heritage Advisor is available to discuss the opportunities and limitations within the heritage overlay as a free service provided by Council.

7. Why were properties that were considered of no significance in previous reports now targeted?

The study area comprised the entire HO6 (St Kilda East) and HO391 (Murchison Street / Alma Road) precincts, as well as all streets in the immediate vicinity. This has included the section of Hotham Street where your property is located, given its proximity to HO6.

8. Is there any possibility of getting our property, 44 Hotham Street, our residence and only financial asset off the list of properties presently under consideration for heritage overlay?

Council has a responsibility to ensure that buildings, areas and other places of scientific, aesthetic, architectural or historical interests are conserved under the Planning and Environment Act 1987. Council pro-actively reviews its planning policies to effectively manage urban growth and ensure the valued character of our City is retained into the future.

As part of this, Council engaged David Helms Heritage Planning to review the heritage controls in the St Kilda East area and make recommendations to support the conservation and management of the precinct into the future. Your property at 44 Hotham Street, St Kilda East has been identified as a 'Significant' heritage place in the final Review of Heritage Overlay 6 Report.

The planning scheme amendment to bring into effect the recommendations of the Heritage Report is underway. Your submission objecting to the heritage overlay to your property was considered by Council's Planning Committee at its meeting on 28 August 2019 and the decision was made to refer it to a Planning Panel. Council's position in response to the issues raised your submission was endorsed at that meeting (enclosed).

The Planning Panel has now been appointed by the Minister for Planning to hear submissions to the amendment and make recommendations on how to proceed. This is an independent, third party review of submissions and as a submitter, you will be given the opportunity to present your submission and any supporting evidence to this panel. You will be contacted directly by Planning Panels Victoria outlining the next steps in this process.