



**12.1** AMENDMENT C151 - 77 PARK STREET, SOUTH MELBOURNE (PERMANENT HERITAGE CONTROLS): CONSIDERATION OF SUBMISSIONS AND ADOPTION OF AMENDMENT

**EXECUTIVE MEMBER:** LILI ROSIC, ACTING GENERAL MANAGER, PLACE STRATEGY AND DEVELOPMENT

**PREPARED BY:** ALEXANDRA HODGSON, STRATEGIC PLANNER

**1. PURPOSE**

- 1.1 To consider written submissions received during exhibition of Amendment C151 to the Port Phillip Planning Scheme, which seeks to apply permanent heritage controls to 77 Park Street, South Melbourne.
- 1.2 To consider whether to adopt Amendment C151 to the Port Phillip Planning Scheme (with or without changes to the exhibited amendment) and request Ministerial approval of the amendment.

**2. EXECUTIVE SUMMARY**

- 2.1 77 Park Street, South Melbourne contains the former Church of Our Lady of the Assumption, which has been identified as a place of local significance within Port Phillip (see Citation 2392 in Attachment 1).
- 2.2 Amendment C151 fulfils Council's policy objectives in the *We are Port Phillip Council Plan 2017-2027*, under Direction 4.2 – 'A city of diverse and distinctive neighbourhoods and places', by seeking to protect a culturally and socially significant site.
- 2.3 Council resolved at its meeting on 6 September 2017 to:
  - request the Minister to apply interim heritage controls to 77 Park Street South Melbourne; and
  - seek authorisation to prepare and exhibit Amendment C151 to apply permanent heritage controls to the subject land, subject to the outcomes of a full heritage assessment.
- 2.4 A heritage assessment prepared by consultant John Briggs (refer Citation 2392 in Attachment 1) concluded that "*The former Roman Catholic Church of Our Lady of the Assumption is of local historical, aesthetic and representative significance to the City of Port Phillip*".
- 2.5 Based on this heritage assessment, authorisation to exhibit Amendment C151 was received from the Minister for Planning on 1 December 2018. This followed the approval of interim heritage controls by the Minister for Planning (through Amendment C150) that will remain in place until 31 December 2018.
- 2.6 Amendment C151 was publicly exhibited from 29 January to 5 March 2018, with 23 submissions received, 22 of which supported the amendment.
- 2.7 One submission was received on behalf of the property owner of 77 Park Street objecting to Amendment C151. This objection argued that there was insufficient evidence to justify heritage controls on the site.



- 2.8 Council officers have negotiated with the submitter on the issues raised in the opposing submission, and the submitter has consequently withdrawn their submission on the condition that minor changes are made to the exhibited heritage Citation. These changes are supported by Council's Heritage Advisor and Mr Briggs, and are therefore considered appropriate.
- 2.9 As a result, an independent Planning Panel is not required to resolve this submission. This report consequently seeks Council's adoption of Amendment C151 to the Port Phillip Planning Scheme.

### 3. RECOMMENDATION

That Council:

- 3.1 Having considered all written submissions made to proposed Amendment C151 to the Port Phillip Planning Scheme, resolves to adopt the amendment (with changes to the exhibited No. 2392 for 77 Park Street, South Melbourne), pursuant to section 29 of the *Planning and Environment Act 1987*.
- 3.2 Notes that proposed Amendment C151 would make the following specific changes to the Port Phillip Planning Scheme (on a permanent basis) as reflected in:
- 3.2.1 Application of an individual Heritage Overlay (HO504) to land known as 77 Park Street, South Melbourne, through updating the Port Phillip Planning Scheme Maps 3HO and 4HO and the schedule to Clause 41.03 – Heritage Overlay.
- 3.2.2 Application of a 'Significant Heritage Place' grading to 77 Park Street, South Melbourne on the City of Port Phillip Heritage Policy Map
- 3.2.3 Consequential changes to Clauses 21.07 (Incorporated Documents), Clause 22.04 (Heritage Policy) and the schedule to Clause 81.01 (Documents incorporated into this scheme), to update the version number and date of the Port Phillip Heritage Review and the City of Port Phillip Heritage Policy Map.
- 3.3 Submits Amendment C151 as adopted, and with the prescribed information, to the Minister for Planning, requesting approval of the amendment, pursuant to section 31 of the *Planning and Environment Act 1987*.
- 3.4 Authorises the Chief Executive Officer (or delegate) to finalise documentation for Amendment C151, generally in accordance with that provided at Attachment 3.
- 3.5 Authorises a request to the Minister for Planning to extend the interim heritage controls applying to 77 Park Street, South Melbourne for a period of 12 months, in the event that Amendment C151 (permanent controls) are not resolved prior to their expiry on 31 December 2018.
- 3.6 Writes to all submitters advising them of Council's decision and thanking them for their input into the amendment process.



#### 4. KEY POINTS/ISSUES

##### Background

- 4.1 There is an approved planning permit (P239/2017) to construct a six storey building on the adjoining site and the re-development of the existing church on the site into five townhouses. The original application for the land sought to demolish the church, however subsequent negotiations with the landowner resulted in the proposed retention of the church building in light of its heritage significance.
- 4.2 When the original planning permit application was received, it was referred internally to Council's Heritage Advisor, which led to a preliminary evaluation that the church building may be of local heritage significance and should be further investigated for inclusion within an individual Heritage Overlay.
- 4.3 A building permit application was subsequently sought to demolish the buildings at 77 Park Street, South Melbourne (as well as the adjoining site which is of no heritage significance). As a result, Council requested that the Minister for Planning apply interim heritage controls to 77 Park Street. This enabled the demolition request to be suspended.
- 4.4 Interim heritage controls via Amendment C150 to the Port Phillip Planning scheme were approved by the Minister for Planning's delegate on 16 November 2017. The interim controls are due to expire on 31 December 2018.
- 4.5 Heritage consultant John Briggs was appointed by Council to prepare a preliminary, and then subsequently, a full heritage Citation, including a Statement of Significance for the subject site. The full assessment (see Citation 2392 in Attachment 1) has concluded that "*The former Roman Catholic Church of Our Lady of the Assumption is of local historical, aesthetic and representative significance to the City of Port Phillip*". More specifically, the church is of:
  - 4.5.1 historic significance (Criterion A) as a demonstration of the growing Catholic congregation during the inter-war period;
  - 4.5.2 aesthetic significance (Criterion E) as an intact example of an inter-war church in the Romanesque style; and
  - 4.5.3 representative significance (Criterion D) of the Romanesque style.

##### Amendment C151 – Proposed permanent heritage controls

- 4.6 Amendment C151 proposes to apply permanent heritage controls to 77 Park Street, South Melbourne by:
  - 4.6.1 applying an individual Heritage Overlay (HO504) to 77 Park Street, South Melbourne on a permanent basis, including updating the planning scheme maps and schedule to the Heritage Overlay;
  - 4.6.2 including a new Citation in the Port Phillip Heritage Review (an Incorporated Document in the Planning Scheme); and



- 4.6.3 applying a 'significant heritage place' grading to the site on the City of Port Phillip Heritage Policy Map (part of the Port Phillip Heritage Review).
- 4.7 Based on the heritage assessment undertaken by John Briggs, and presented in Citation 2392 (Attachment 1), authorisation to prepare and exhibit Amendment C151 was received from the Minister for Planning on 1 December 2017.
- 4.8 The Amendment was placed on public exhibition between 29 January and 5 March 2018, inviting written submissions. A total of 23 submission were received, with 22 in support of the amendment and one (from the land owner) expressing opposition.
- 4.9 Further details of the public exhibition and submission process is provided at Section 5 of this report – consultations and stakeholders.

Overview of written submissions received to Amendment C151

- 4.10 A detailed summary of submissions is included at Attachment 2.
- 4.11 Of these 23 submissions, 22 supported Amendment C151 and the application of permanent heritage controls to the site, while the landowner was the sole objector. This objection argued that there was insufficient evidence to justify heritage controls on the site. This submission has subsequently been withdrawn, conditional on minor changes to the Heritage Citation.
- 4.12 A summary of supporting submissions is included below.

Summary of supporting submission	Outline of recommended response
Retention of the Church on a religious historical basis and that it is part of the history of the Catholic faith in South Melbourne.	<p>The analysis of Mr John Briggs (independent heritage consultant) has found that the former Roman Catholic Church of our Lady of the Assumption (77 Park Street, South Melbourne) to be locally significant.</p> <p>The Church was constructed in 1928 to cater to the growing catholic population and the need to serve the eastern side of the St Peter and Paul's Parish. The Church was funded by the local community.</p> <p>The Church has been assessed as a relatively intact, confident and sturdy example of Romanesque design, favoured for Catholic churches of the period, with red brick and rendered elaboration. The symmetrical front façade features a simple projected arched entry vestibule with stepped recessed jamb. The central element of the Romanesque façade, below the niche that held the statue of "Our Lady", is a two-tiered arcade of window tracery, set within a larger semi-circular arch, flanked by buttresses.</p> <p>The Church has been found to be significant for the following reasons:</p>
The Church forms part of the heritage and history of Port Phillip.	
The building is a classical building of its time and is a landmark for the area, representing classical religious architecture of its time, with stained glass windows and other features that need to be preserved.	
The Church gives the neighbourhood a unique and pleasant character.	
The building has social and cultural importance within the community.	



<p>The building is historically significant and sits parallel to the former alignment of Stead Street which continued parallel to the western façade of the church building and met a corner with Park Street. This provides proof of the original street layout in this part of South Melbourne.</p>	<ul style="list-style-type: none"> <li>• <u>Historically (Criterion A)</u>, the Church is significant as demonstrative of the growing Catholic congregation during the interwar period. It is demonstrative of the importance of the Catholic identity, presence, and contribution to Australian society.</li> <li>• <u>Aesthetically (Criterion E)</u>, the church is a fine and intact example of an inter-war church in the Romanesque Style, evident in the expression of the load-bearing envelope and restrained ornamentation of the horizontal banding and variations of the round arch theme.</li> <li>• <u>Representative (Criterion D)</u> of the Romanesque style, as applied to churches, with a robust and pleasing independent presence. It is representative of the favoured style employed for Catholic churches across Victoria during the inter-war period.</li> </ul> <p>Whole streets in South Melbourne were reclaimed by the Housing Commission in the post-WWII era causing the parish to decrease significantly. As a result, the church was closed.</p>
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4.13 A summary of the key issues raised by the opposing submitter is included below (noting this submission has now been conditionally withdrawn).

<b>Key issue raised in submission</b>	<b>Outline of Recommended Response</b>
<ul style="list-style-type: none"> <li>• Planning Permit Application no. 239/2017 sought permission for the development of a residential building and childcare centre on 77 Park Street, South Melbourne and 282-294 Kings Way, South Melbourne.</li> <li>• The Application is currently before the Victorian Civil and Administrative Tribunal.</li> <li>• The material exhibited in support of Amendment C151 does not provide sufficient justification for the imposition of permanent heritage controls over the land.</li> </ul>	<p>A planning permit application to redevelop land known as 77 Park Street, South Melbourne (and adjoining land), triggered Council officers to investigate the potential heritage significance of the church building situated on the site.</p> <p>Appropriate processes pursuant to the <i>Planning and Environment Act 1987</i> and the Victorian Building Regulations were followed to request application of interim heritage controls. This included advice to the owners of the subject land, prior to Council's decision to pursue interim controls.</p> <p>The heritage significance of the former Church of Our Lady of the Assumption at 77 Park Street South Melbourne, was established by a comprehensive assessment undertaken by heritage expert John Briggs. The methodology for the assessment accords with the Burra Charter and <i>Planning Practice Note 1 – Applying the Heritage Overlay</i> (which include clear 'criterion' for determining significance – HERCON Criteria).</p>





<ul style="list-style-type: none"> <li>The heritage assessment has been hastily prepared, is self-serving and demonstrates a lack of evidence that would be required to establish the level of significance proposed.</li> </ul>	<p>A thorough three-stage assessment was carried out to investigate and confirm heritage significance, as follows:</p> <ol style="list-style-type: none"> <li>During the assessment process for the planning application, a referral to Council's Heritage Advisor determined that the church building may be of local heritage significance and should be further investigated for inclusion within an individual heritage overlay.</li> <li>An independent heritage consultant (John Briggs) was then appointed to prepare a heritage assessment of the site, to confirm and document the heritage significance of the former church. Preliminary advice was received from the consultant that the site was likely to be of local heritage significance. This preliminary advice was used as the basis to request interim heritage controls for the site via Amendment C150 to the Port Phillip Planning Scheme.</li> <li>A full heritage assessment and comparative analysis was subsequently completed by John Briggs, in accordance with <i>Planning Practice Note 1: Applying the Heritage Overlay</i> and the Burra Charter.</li> </ol> <p>The Heritage Assessment by John Briggs was provided to the Minister for Planning as evidence to support Council's request for authorisation to exhibit Amendment C151 to the Port Phillip Planning Scheme. Authorisation was granted from the Minister for Planning on 12 December 2018.</p>
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Proposed changes to amendment (heritage citation) in response to submission

- 4.14 Based on an assessment of submissions received and through negotiation with the objecting submitter, small changes have been proposed to the Citation prepared by John Briggs for 77 Park Street, South Melbourne (refer to Attachment 1). These negotiations followed approval of a planning permit for the site which retained the heritage fabric of the Church. The proposed changes to the Citation are:
- 4.14.1 A change to the description of the building to include additional information relating to additions to the building that are not of significance (including air conditioning units and sunshades), a note of cracking to brickwork and some poor repairs, and an addition to the rear of the building made in red brick, when plumbing repairs were undertaken on site.
  - 4.14.2 A change to the comparative analysis to add additional information about the Romanesque style having a modern idiom relative to Gothic from the turn of the century.



- 4.15 The proposed changes to the Citation have been prepared in consultation with and are supported by Council's Heritage Advisor and Mr John Briggs (heritage consultant).
- 4.16 The objecting submitter advised Council in writing on 8 June 2018 that the submission is withdrawn, conditional on the changes to the Citation being approved and reflected in the adopted Amendment C151.

### Options

- 4.17 Pursuant to the *Planning and Environment Act 1987*, the following options are available to Council at this stage in the amendment process.

Option 1: Adopt Amendment C151 to the Port Phillip Planning Scheme (with or without changes) and request its approval by the Minister for Planning.

Option 2: Abandon Amendment C151 and advise the Minister for Planning of this decision.

- 4.18 Option 1 will enable the Minister for Planning to consider Amendment C151 for approval which will provide permanent heritage protection to the building at 77 Park Street, South Melbourne. This option is recommended.
- 4.19 Option 2 would mean that permanent heritage controls would not be applied to 77 Park Street, South Melbourne and that the site would not be afforded any heritage protection once the current interim controls lapse on 31 December 2018. This option is not recommended.

## 5. CONSULTATION AND STAKEHOLDERS

- 5.1 Exhibition of Amendment C151 occurred from 29 January 2018 to 5 March 2018 and was undertaken in accordance with the *Planning and Environment Act 1987*. Consultation involved:
- 5.1.1 letters to owners and occupiers of affected properties and prescribed ministers;
  - 5.1.2 availability of amendment documentation and supporting information on Council's website and on the State Government's Planning Scheme Amendments Online website.
  - 5.1.3 Display of amendment documentation at St Kilda Town Hall, South Melbourne Town Hall, Port Melbourne Town Hall, St Kilda Library and Port Melbourne Library.
- 5.2 23 written submissions were received during the exhibition period which ended on 5 March 2018. A detailed summary of submissions is included in Attachment 2 and Section 4 of this report.



**6. LEGAL AND RISK IMPLICATIONS**

- 6.1 No significant risk implications have been identified. Amendment C151 has been exhibited and processed in accordance with the requirements of the *Planning and Environment Act 1987*.

**7. FINANCIAL IMPACT**

- 7.1 Council has incurred costs associated with notification during the public exhibition of Amendment C151.
- 7.2 Provision for further costs in processing Amendment C151, specifically the payment of statutory fees (for Ministerial approval), is made from the annual Planning Scheme Amendments Program budget.

**8. ENVIRONMENTAL IMPACT**

- 8.1 Amendment C151 will have a positive environmental impact by protecting a place of historic significance and allowing the reuse and recycling of existing building stock.
- 8.2 The Victorian heritage strategy, *Victoria's Heritage: Strengthening our Community* (DSE, 2006) details the environmental benefits of conservation in Chapter 2, specifically (at p21):

*'Heritage policies and programs can help achieve the broader goals of sustainability. It recognises the embodied energy and life-cycle value of traditional materials, and reduces the waste associated with demolition and new buildings'*

**9. COMMUNITY IMPACT**

- 9.1 Amendment C151 will have a positive social effect through the preservation of a historically significant place, for the benefit of current and future generations.

**10. ALIGNMENT TO COUNCIL PLAN AND COUNCIL POLICY**

- 10.1 Implementation of heritage controls supports delivery of the following objectives and actions in the Council Plan 2017-2027:

Direction 4: *'We are growing and keeping our character'*

Objective 4.2: *'A City of diverse and distinctive neighbourhoods and places'*

Key outcome: *'protecting heritage places that represent our historic, social, cultural and architectural identity'*.

Key outcome: *'ensuring new development integrates with, respects and contributes to the unique heritage, character and beauty of our neighbourhoods'*.



# ORDINARY MEETING OF COUNCIL 1 AUGUST 2018



## 11. IMPLEMENTATION STRATEGY

### 11.1 TIMELINE

11.1.1 A request to the Minister for planning to approve Amendment C151 would be made within two weeks of a decision to adopt the amendment at this meeting.

### 11.2 COMMUNICATION

11.2.1 Submitters will be informed of Council decision to adopt Amendment C151 (with changes to the Citation) and to request the Minister for Planning to approve the amendment.

11.2.2 Council's website will be updated to reflect adoption of Amendment C151 and to outline the next steps of the amendment process.

## 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:** 66/02/269

### **ATTACHMENTS**

1. Final Citation 2392, 77 Park Street, South Melbourne
2. Summary of submissions
3. Final Amendment C151 documentation