



**6.1** AMENDMENT C142 (HERITAGE OVERLAY 6): REQUEST TO SEEK AUTHORISATION TO PREPARE AND EXHIBIT AN AMENDMENT

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

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

**1. PURPOSE**

- 1.1 To inform Councillors of the outcome of the consultation undertaken on the *Review of Heritage Overlay 6 Report* prepared by David Helms Heritage Planning.
- 1.2 To determine whether to endorse the *Review of Heritage Overlay 6 Report*.
- 1.3 To determine whether to request authorisation from the Minister for Planning to prepare and exhibit an amendment to the Port Phillip Planning Scheme to implement the recommendations of the Review.

**2. EXECUTIVE SUMMARY**

- 2.1 Heritage Overlay 6 is a precinct based heritage overlay that applies to many properties within the East St Kilda area and was introduced into the Port Phillip Planning Scheme in the early 2000's. Refer to **Attachment 1** for a map of the area.
- 2.2 The review of Heritage Overlay 6 (HO6) is part of an on-going program to review heritage precincts to *ensure* that heritage controls are up to date and reflect best practice. This is supported by local policy in the Port Phillip Planning Scheme which seeks to '*conserve and enhance the architectural and cultural heritage of Port Phillip*'.
- 2.3 The review reflects the *Council Plan 2017-2027* commitment to '*protecting heritage places*' and '*ensuring new development integrates with, respects and contributes to the unique heritage, character and beauty of our neighbourhoods*'. Implementation of this review is specifically *listed* as a priority for the first 4 years in the *Council Plan 2017-2027*, under Direction 4.2 – '*A city of diverse and distinctive neighbourhoods and places*'.
- 2.4 The Review recommends changes to HO6 including the addition of new properties, including places of *individual* significance, changing of gradings to individual properties that are already within HO6 and the transfer of properties from HO6 to HO391 which applies to a smaller, more specific cluster of properties in the East St Kilda area.
- 2.5 Consultation on the recommendations of the Review was undertaken from 1 June 2018 to 25 June 2018 to provide for community input into the heritage review process before the formal *commencement* of the planning scheme amendment process.



- 2.6 31 submissions were received during the consultation period. Of these, one submission was entirely *supportive* of the review, five submissions were broadly supportive of the review but had specific questions or corrections, and 25 submissions raised issues with the review generally in relation to specific sites. The submission feedback included:
- Submitters providing additional historical information relating to individual properties.
  - Requests for removal of individual properties because the heritage fabric had been significantly altered.
  - Requests for changes in grading.
  - Concern about reduction in property value of individual properties because of its heritage grading.
- 2.7 The feedback *received* has informed the refinement of key findings and recommendations of the Review. These changes include:
- Updates to individual Citations.
  - Changes to gradings of individual properties.
  - Addition of one 'Nil' graded site to the HO6 precinct, being 26 Charnwood Crescent (St Kilda).
  - Removal of four sites originally included in the review following consultation and additional assessment (2-8 Somerset St, St Kilda).
  - Removal of 14 Raith Court (East St Kilda) from the existing heritage overlay, based on further assessment of the site.

Refer to **Attachment 2** for a detailed overview and response to submissions.

- 2.8 Following consultation, the Planning Committee now needs to determine whether to endorse the updated Review and progress to implementation by commencing the planning *scheme* amendment process.

### 3. RECOMMENDATION

That Planning Committee:

- 3.1 Endorses the *Review of Heritage Overlay 6 Report* at **Attachment 3** and **Attachment 4** as the strategic basis for proposing modified heritage controls within the East St Kilda area.
- 3.2 Requests authorisation from the Minister for Planning to preparation and exhibit Amendment C142, including the following specific changes to the Port Phillip Planning Scheme:
- Apply the Heritage Overlay to 140 new properties in HO6 and HO391 in the East St Kilda Area on a permanent basis, including updating the planning scheme maps and schedule to Clause 43.01 (schedule to the Heritage Overlay).



- Apply Heritage Overlay to 21 Redan Street, St Kilda (HO503), 226 Alma Road, St Kilda (HO505) and 264-266 Alma Road, St Kilda (HO506), on a permanent basis, including updating the planning scheme maps and Schedule to Clause 43.01 (schedule to the Heritage Overlay).
  - Amend *the Port Phillip Heritage Review* Incorporated Document to:
    - update existing HO6 and HO391 citations (provided at **Attachment 4**);
    - update existing citations for 76 individually significant properties (provided at **Attachment 4**);
    - add 8 new citations for individually significant properties (provided at **Attachment 4**);
    - update the grading of 63 properties already included in the Heritage Overlay; and
    - transfer 34 properties from HO6 to HO391.
  - Amend the *City of Port Phillip Heritage Policy Map* to show added and removed 'Significant Heritage Place', 'Contributory Heritage Place' and 'Non-contributory Place' gradings in the HO6 and HO391 Precincts.
  - Amend the *City of Port Phillip Neighbourhood Character Map* to show removal of 'Contributory Outside HO' graded properties now included within the HO6 or HO391 precincts.
  - Include the *Review of Heritage Overlay 6 Report* (David Helms Heritage Planning, 2018) as a Reference Document in Clause 22.04 (Heritage Policy) (provided at **Attachment 4**).
  - Amend Clause 21.07 (Incorporated Documents), Clause 22.04 (Heritage Policy) and the schedule to Clause 72.04 (Documents incorporated in this scheme) to update the version number and date of the *Port Phillip Heritage Review* (including the *City of Port Phillip Heritage Policy Map* and the *City of Port Phillip Neighbourhood Character Map*).
- 3.3 Authorises the CEO (or delegate) to finalise the exhibition documentation for Amendment C142, generally in accordance with that provided in **Attachment 5**.
- 3.4 Places Amendment C142 on exhibition, in accordance with Section 19 of the *Planning and Environment Act 1987*, subject to Ministerial Authorisation.
- 3.5 Writes to all submitters to advise of Council's decision and to thank them for their participation *in* finalising the *Review of Heritage Overlay 6 Report*.

#### 4. KEY POINTS/ISSUES

##### Background

- 4.1 The review of HO6 is part of Council's Heritage Program which systematically reviews heritage controls throughout the municipality over time to ensure they are accurate and reflect best *practice*. It is noted that similar reviews have occurred in the past in relation to HO3 (South Melbourne, Albert Park, Middle Park and St Kilda West) in 2010 and HO1 (Port Melbourne) in 2011.



- 4.2 HO6 is a precinct based heritage overlay that applies to many properties within East St Kilda. A citation for the precinct, including a statement of significance, is included in the *Port Phillip Heritage Review* (PPHR) which is an Incorporated Document in the Port Phillip Planning Scheme. Properties within HO6 are graded as being either 'Significant', 'Contributory', or 'Nil / Non-contributory' for the purposes of heritage in accordance with Council's Heritage Policy (Clause 22.04 of the Port Phillip Planning Scheme).
- 4.3 Development of the *St Kilda Road South Urban Design and Land Use Framework* (endorsed by Council in 2015) highlighted potential gaps and out of date information in heritage controls across in East St Kilda and limitations with the existing HO6 Citation.
- 4.4 David Helms Heritage Planning was engaged to undertake a holistic review of heritage controls in the East St Kilda area to address these issues.
- 4.5 While the focus of this review has been on the HO6 precinct, the investigation also identified the need for consequent changes to HO391 (Murchison Street / Alma Road precinct), and some individually significant sites within the general study area.

#### **Overview of Review of Heritage Overlay 6 report**

- 4.6 The *Review of Heritage Overlay 6 report* is provided in two parts (**Attachment 3** and **Attachment 4**).
- 4.7 The Review recommends a series of changes to the application of the Heritage Overlay in the East St Kilda Area which are detailed in Appendix C to **Attachment 4**. The findings and recommendations are summarised below:
  - There is no or limited information about commercial development on St Kilda road, the development of various sub-precincts, development that occurred primarily in the Federation / Edwardian and interwar eras particularly those that resulted from the subdivision of mansion estates and the boom in the building of flats in the area.
  - The review found that there are groups of houses and flats at the edge of the precinct that are historically related or have similar integrity to the HO6 precinct and should form part of it. Similarly, some of the sub-precincts could be joined to abutting precincts.
  - Due to their individual significance, the trees along Dandenong Road in Alma Park have been recommended for an individual heritage citation to allow for specific tree controls.
  - Many of the citations for individually significant places within or near HO6 contain incomplete historic and descriptive information, and inadequate statements of significance that are not in the format recommended by *Practice Note 1 – Applying the Heritage Overlay*.
- 4.8 The proposed changes to HO6 (and HO391) seek to address the above gaps by updating the citations to include a revised history, description, and Statement of Significance (in the required format) that explains what is significant, and how and why it is significant at a local level. Several *precinct* extensions are recommended and one



section is recommended to be transferred from HO6 to the existing HO391 (Murchison Street / Alma Road precinct).

- 4.9 No properties were recommended for removal from the Heritage Overlay in the original review. However, following consultation, one property has been proposed to be removed (14 Raith Court, *East St Kilda*).
- 4.10 The Review *proposes* a series of changes to the application of the Heritage Overlay within the Port Phillip Planning Scheme, as summarised below:
- Updates to the HO6 and HO391 precinct Citations, as well as 76 existing individual citations for sites within the HO6 and HO391 precincts.
  - The extension of boundaries to HO6 to include properties that meet the test for a 'Significant' or 'Contributory' heritage place. This proposes the inclusion of 140 new properties within HO6 and HO391 as detailed in Appendix C to **Attachment 4**.
  - The transfer of some properties between Hotham and Alexandra Streets from HO6 to HO391 (Murchison Street / Alma Road precinct) on the basis that they have a stronger relationship to that precinct.
  - The identification of 8 new individually significant heritage places. Of these, four are already within HO6, one is within HO391 and three others are outside HO6 and are proposed to have a site-specific heritage overlay applied, being:
    - HO503 – 21 Redan Street, St Kilda
    - HO505 – 226 Alma Road, St Kilda
    - HO506 – 264-266 St Kilda Road, St Kilda
  - The change of the heritage grading for 63 properties in HO6 and HO391, as well as the St Kilda Cemetery in HO455 from 'Nil' to 'Significant' as detailed in Appendix C to **Attachment 4**.

## 5. CONSULTATION AND STAKEHOLDERS

- 5.1 Public consultation on the Review occurred from 1 June to 25 June 2018. Consultation involved:
- approximately 4,000 tailored letters were sent to owners and occupiers of affected properties, and key community groups;
  - a drop-in session for interested parties (approximately 30 attendees);
  - a project specific website update; and
  - an invitation for written submissions.
- 5.2 31 submissions were received during the consultation period. Of these, one submission was entirely supportive of the review, five submissions were broadly supportive of the review but had *specific* questions or corrections, and 25 submissions raised issues with the review generally in relation to specific sites. Verbal feedback at the drop-in session was predominantly supportive of strengthening heritage controls.



5.3 A summary of *submissions* is included below:

- General support for the Review of HO6 and the strengthening of heritage controls in the area.
- Several submitters provided additional historical information relating to individual properties, including the following:
  - Historical property ownership information
  - Additional background history information.
  - Information relating to additions to or changes to the original fabric of the building.
  - Changes to descriptions of architectural styles of buildings.
- Requests for removal of individual properties because of loss of heritage fabric through alterations from renovations and additions, changes to land use or because of significant changes to the streetscape context.
- Requests for increased heritage gradings over specific places.
- Concern about the reduction in value of individual properties because of the application of the Heritage Overlay. In relation to this point, it is noted that the perceived or actual loss of property value is not considered a valid planning reason to not apply the heritage overlay.

Refer to **Attachment 2** for a detailed summary of submissions and an officer response.

5.4 The following is a *summary* of *changes* made in response to submissions received:

5.5 Correct administrative errors in the Review of Heritage Overlay 6 report (such as duplication of Citation numbers, corrections to *general* formatting, spelling, grammar).

- Ensure report correctly references 25 Chapel Street, St Kilda 'Rondebosch' to be consistent with the Victorian Heritage Register.
- Amend overall HO6 citation to:
  - Add 17, 19 and 21 Odessa Street, St Kilda to the list of Victorian Italianate houses on page 22.
  - Note specific changes to 24 Johnson Street, East St Kilda and include additional historic information per submissions.
- Amend Citation 867 (Charnwood Oaks, 7 Charnwood Grove, St Kilda) to correct address references.
- Amend proposed Citation 2390 (264-266 St Kilda Road, St Kilda) to include additional information provided by the submitter relating to the history of the site.
- Amend Citation 1491 (Carolina Court, 1 Fulton Street and 24 Westbury Street, St Kilda East) to note that 1 Fulton Street is significant by 24 Westbury Street is not.
- Amend Citation 873 (11A Charnwood Road, St Kilda) to include additional information in response to submission.



- Amend Citation 2387 (226 Alma Road, St Kilda) to include additional detail on types of alterations considered appropriate given the constraints of the site.
  - Amend Citation 78 (4 Chapel Street, St Kilda) to add additional information to the Statement of Significance to note the church and fence is included on the VHR, in response to submission.
  - Amend Citation 2388 (25 Chapel Street, St Kilda) to refer to the 1925 building as 'contributory' in response to submission.
  - Amend Citation 397 (28-36 Alma Road, St Kilda) to add additional detail and the history and description.
  - Amend Citations 22 (217 Alma Road, St Kilda), 163 (140-146 St Kilda Road, St Kilda), and Citation 2308 (22 Shirley Grove, St Kilda) to make minor changes to details.
  - Assign HO503 to 21 Redan Street, St Kilda in Citation 785.
  - Assign HO505 to 226 Alma Road, St Kilda in Citation 2387.
  - Assign HO506 to 264-266 St Kilda Road, St Kilda, in Citation 2390.
  - Amend report and attachments to reflect 1 Fulton Street and 24 Westbury Street, East St Kilda as one property, graded 'significant'.
  - Addition of 26 Charnwood Crescent to HO6 as a 'Nil' graded property.
  - Inclusion of 2-8 Somerset Street, St Kilda, in HO6 is no longer justified as the streetscape context has significantly changed (since assessment for review was undertaken). Therefore, remove 2-8 Somerset Street, St Kilda from inclusion in proposed amendment, and any reference in overall HO6 Citation.
  - Remove 14 Raith Court, St Kilda from HO6 as building is new, is not within a significant streetscape area, and does not contribute to the overall significance of the precinct.
- 5.6 If endorsed by Council, the Review will form the basis for Amendment C142 which will be publicly exhibited pursuant to Section 19 of the *Planning and Environment Act 1987* (subject to authorisation from the Minister for Planning). Refer to **Attachment 5** for a draft version of the Amendment C142 documentation.
- 5.7 As part of this process, affected landowners and other stakeholders will be able to make submissions and have those submissions heard before an independent Planning Panel which would provide a report to Council with recommendations on potential changes to the Amendment.

## 6. LEGAL AND RISK IMPLICATIONS

- 6.1 No significant risk implications have been identified. Allowing for consultation of the Review before the commencement of the planning scheme amendment process has given the community an opportunity to provide input to the process at an early stage.



- 6.2 Submitters will be provided the opportunity to again be involved in the amendment process, if endorsed, including the opportunity to present to an independent Planning Panel which will then make a recommendation to Council in relation to all matters of disagreement. This provides a fair and transparent process.

## 7. FINANCIAL IMPACT

- 7.1 Should Planning Committee endorse a full amendment process, costs will be incurred in relation to the payment of statutory fees, notification during public exhibition, and an independent Planning Panel hearing, should there be any objecting submitters to the amendment.
- 7.2 Should any objecting parties seek representation by legal professionals or table evidence from heritage consultants, Council may need to do the same to defend its position. The need for this will be assessed in the lead up to a Panel Hearing, should one be required.
- 7.3 Provision for these costs, specifically Panel hearing costs and the payment of statutory fees (for Ministerial authorisation and approval), is made in the annual Planning Scheme Amendments Program budget.

## 8. ENVIRONMENTAL IMPACT

- 8.1 Amendment C142 will have a positive environmental impact by protecting places of historic significance.
- 8.2 The Victorian heritage strategy, *Victoria's Heritage: Strengthening our Community* details the environmental benefits of conservation:

*'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 C142 will have a positive community effect through the preservation of historically significant places in the East St Kilda area for the benefit of current and future generations.

## 10. ALIGNMENT TO COUNCIL PLAN AND COUNCIL POLICY

- 10.1 Amendment C142 is consistent with the 'We are Port Phillip' Council Plan 2017-2027 commitment to 'protecting heritage places' and 'ensuring new development integrates with, respects and contributes to the unique heritage, character and beauty of our neighbourhoods'. Implementation of the review is specifically listed as a priority for the first 4 years under Direction 4.2 – 'A city of diverse and distinctive neighbourhoods and places'.



## 11. IMPLEMENTATION STRATEGY

### 11.1 TIMELINE

- A request to the Minister for Planning to authorise Amendment C142 to the Port Phillip Planning Scheme will be made within two weeks of this meeting, should it be endorsed.

### 11.2 COMMUNICATION

- Submitters will be notified of Planning Committee's decision following this meeting.
- If approved, Amendment C142 will be publicly exhibited pursuant to Section 19 of the *Planning and Environment Act 1987*. Consultation during exhibition will involve:
  - Letters to owners and occupiers of affected properties and prescribed ministers;
  - Availability of amendment documentation and supporting information on Council's website and on the State Government's Planning Scheme Amendments Online website;
  - Display of amendment documentation at St Kilda Town Hall, and St Kilda Library.
  - A drop-in session for interested parties to speak directly with Council officers about the Amendment.
  - Council's website will be updated to reflect Amendment C142 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:**

**66/05/31**

**ATTACHMENTS**

1. Map of study area including additions to HO
2. Summary of submissions received during consultation and officer responses
3. Review of Heritage Overlay 6 Report - Part 1
4. Review of Heritage Overlay 6 Report - Part 2
5. Am C142 Amendment Documentation (including extracts of Port Phillip Heritage Review incorporated document)