

Planning and Environment Act 1987

Panel Report

**Glen Eira Planning Scheme Amendment C197glen
Field Street Precinct, Bentleigh Heritage Overlay**

25 September 2020

How will this report be used?

This is a brief description of how this report will be used for the benefit of people unfamiliar with the planning system. If you have concerns about a specific issue you should seek independent advice.

The planning authority must consider this report before deciding whether or not to adopt the Amendment. [section 27(1) of the *Planning and Environment Act 1987* (the Act)]

For the Amendment to proceed, it must be adopted by the planning authority and then sent to the Minister for Planning for approval.

The planning authority is not obliged to follow the recommendations of the Panel, but it must give its reasons if it does not follow the recommendations. [section 31 (1) of the Act, and section 9 of the *Planning and Environment Regulations 2015*]

If approved by the Minister for Planning a formal change will be made to the planning scheme. Notice of approval of the Amendment will be published in the Government Gazette. [section 37 of the Act]

Planning and Environment Act 1987

Panel Report pursuant to section 25 of the Act

Glen Eira Planning Scheme Amendment C197glen

Field Street Precinct, Bentleigh Heritage Overlay

25 September 2020

A handwritten signature in black ink, appearing to read 'Tim Hellsten', with a long horizontal stroke extending to the right.

Tim Hellsten, Chair

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Glossary and abbreviations

Act	<i>Planning and Environment Act 1987</i>
Amendment	Glen Eira Planning Scheme Amendment C197glen
Citation	<i>Citation: Field Street Precinct, Bentleigh</i>
Council	Glen Eira City Council
DDO4	Design and Development Overlay Schedule 4 (Fences)
DELWP	Department of Environment, Land, Water and Planning
HO188	Field Street Precinct, Bentleigh
NCO3	Neighbourhood Character Overlay Schedule 3 (Interwar Era Significant Character Areas)
PPN01	<i>Planning Practice Note 1: Applying the Heritage Overlay (August 2018)</i>
Statement of Significance	<i>Statement of Significance: Field Street Precinct, Bentleigh 2019</i>

Overview

Amendment summary	
The Amendment	Glen Eira Planning Scheme Amendment C197glen
Common name	Field Street Precinct, Bentleigh Heritage Overlay
Brief description	Apply the Heritage Overlay to the Field Street Precinct, Bentleigh (HO188) and make other subsequent changes to the Glen Eira Planning Scheme, including removing the Neighbourhood Character Overlay (NCO3) and Design and Development Overlay (DDO4) from the subject land
Subject land	1-37 (odd) Field Street, McKinnon and 2-30 (even) Field Street, Bentleigh and 26 Donaldson Street, Bentleigh, 235 Jasper Road, Bentleigh and 237 Jasper Road, McKinnon
Planning Authority	Glen Eira City Council
Authorisation	7 November 2019
Exhibition	30 January to 3 March 2020
Submissions	Number of Submissions: 10 Opposed: 1 1 South East Water 2 Environment Protection Authority 3 Mr Naresh Subramaniam 4 Mr Josh Subramaniam 5 Ms Dawn Subramaniam 6 Mr Malcolm Dow 7 Ms Afroditi Nestoros 8 Ms Bethanie Subramaniam 9 Mr Bryan Drummond 10 Mr Heath Helmore

Panel process	
The Panel	Tim Hellsten
Directions Hearing	By Video Conference, 7 July 2020
Panel Hearing	By Video Conference, 22 September 2020
Site inspections	Unaccompanied, 18 June 2020
Parties to the Hearing	Council represented by Ms Madeleine Grimes, Acting Senior Strategic Planner who called heritage evidence from Mr Simon Reeves of Built Heritage Pty Ltd
Citation	Glen Eira PSA C197glen [2020] PPV
Date of this Report	25 September 2020

Executive summary

Glen Eira Planning Scheme Amendment C197glen (the Amendment) seeks to apply the Heritage Overlay to the Field Street Precinct, Bentleigh (HO188) to implement the findings of the *Citation: Field Street Precinct, Bentleigh, 8 August 2019* (Citation) prepared for Council by Built Heritage Pty Ltd.

The Citation identified that the precinct meets the threshold for local heritage significance identified in *Planning Practice Note 1: Applying the Heritage Overlay (August 2018)* (PPN01) satisfying Criterion A (historic significance) and Criterion E (aesthetic significance).

The Amendment seeks to include 35 properties in Field Street within the Heritage Overlay (HO188), include the *Statement of Significance: Field Street Precinct, Bentleigh 2019* (Statement of Significance) as a document incorporated into the Glen Eira Planning Scheme and remove the existing Neighbourhood Character Overlay Schedule 3 (NCO3) and Design and Development Overlay Schedule 4 (DDO4) from the Precinct and 26 Donaldson Street, Bentleigh, 235 Jasper Road, Bentleigh and 237 Jasper Road, McKinnon and make associated changes to those overlay schedules.

Ten submissions were received in response to the exhibition of the Amendment of which nine supported the Amendment or supported it with changes, and one opposed it. The key issues raised in submissions related to:

- the inclusion of the following properties into the Heritage Overlay as they are covered by the existing NCO and DDO and have boundaries on Field Street:
 - 26 Donaldson Street, Bentleigh
 - 235 Jasper Road, Bentleigh
 - 237 Jasper Road, McKinnon
- the exclusion of 27 Field Street, McKinnon from the Heritage Overlay as the house has had a number of modifications to it and it is not in its original state.

In response to submissions, Council proposed post-exhibition changes to the Amendment which seek to retain DDO4 and NCO3 over the properties at 26 Donaldson Street, Bentleigh, 235 Jasper Road, Bentleigh and 237 Jasper Road, McKinnon. While Council has actively worked to resolve the submissions relating to these sites and with the owner of 27 Field Street, Bentleigh those submissions remained for the Panel to consider.

Council was the only party to the Hearing which was conducted by videoconferencing and livestreamed to allow interested persons the opportunity to view it.

Citation methodology and strategic justification

The Panel considers that the Citation has been prepared in accordance with PPN01 and provides a robust analysis that supports the identification of the Precinct as having local heritage significance, meeting the thresholds of Criterion A and E. The application of the Heritage Overlay to the precinct is strategically justified and consistent with the objectives of the Planning and Environment Act, State and Local Planning Policy.

27 Field Street, Bentleigh

The Panel considers that the dwelling at 27 Field Street displays the same built form and materiality characteristics as the other 'Significant' graded properties in the Precinct. Any

alterations to the dwelling where not readily apparent and do not impact on the buildings grading. It should remain in the Precinct and be graded 'Significant'.

Heritage Overlay curtilage

The Panel supports the basis on which Council, supported by the evidence of Mr Reeves, has established the curtilage of the Field Street Precinct. The Precinct has a high degree of uniformity of built form and is readily apparent and coherent albeit that the dwellings within it display a variety of interwar and post war stylings.

Application of the Neighbourhood Character Overlay and Design and Development Overlay

The Panel supports the removal of NCO3 and DDO4 from the Precinct as this reduces the application of unnecessary controls which are superseded by using the Heritage Overlay. However, as proposed by Council's post-exhibition changes, the Panel supports their retention over 26 Donaldson Street, 235 and 237 Jasper Road which have secondary frontages to the Precinct. This will ensure any future development of those sites can be managed in a manner respectful to the built form characteristics present in Field Street.

Recommendations

Based on the reasons set out in this Report, the Panel recommends that Glen Eira Planning Scheme Amendment C197glen be adopted as exhibited subject to the following:

- 1. Abandon the deletion of Design and Development Overlay Schedule 4 (DDO4) and Neighbourhood Character Overlay Schedule 3 (NCO3) from 26 Donaldson Street, Bentleigh, 235 Jasper Road, Bentleigh and 237 Jasper Road, McKinnon.**
- 2. Amend the Field Street Precinct Statement of Significance to include a new description of 'How is it significant?' and additional linking words under 'Why is it significant?' as shown in the Panel's preferred version of the Statement of Significance in Appendix B.**

1 Introduction

1.1 The Amendment

(i) Amendment description

The purpose of the Amendment is to apply a Heritage Overlay to a new precinct, the Field Street Precinct, Bentleigh (HO188) based on the findings of the *Citation: Field Street Precinct, Bentleigh, 8 August 2019* (Citation) prepared for Council by Built Heritage Pty Ltd.

Specifically, the Amendment proposes to:

- amend the Schedule to Clause 43.01 (Heritage Overlay) to include the Field Street Precinct (place and map designation HO188)
- amend Schedule 4 to Clause 43.02 (Design and Development Overlay) to remove reference to Field Street in the Schedule title
- amend Schedule 3 to Clause 43.05 (Neighbourhood Character Overlay) to remove reference to the Field Street in the 'Statement of neighbourhood character' and in the table to section '4.0 Modification to Clause 54 and Clause 55 standards'
- amend the Schedule to Clause 72.04 (Documents incorporated in this Planning Scheme) to include the *Statement of Significance: Field Street Precinct, Bentleigh 2019* (Statement of Significance)
- amend Map No. 3HO to apply a Heritage Overlay to the Field Street Precinct (HO188)
- amend Map No. 3NCO to delete the Neighbourhood Character Overlay (NCO3) from the subject land
- amend Map No. 3DDO to delete the Design and Development Overlay (DDO4) from the subject land.

(ii) The subject land

The Amendment applies HO188 (as shown in Figure 1) and removes DDO4 and NCO3 (as shown in Figure 2) from:

- all odd numbered Field Street properties (1-37) on the north side of Field Street, McKinnon¹
- all even numbered Field Street properties (2-30) on the south side of Field Street, Bentleigh.

The Amendment removes the DDO4 and NCO3 only from:

- 26 Donaldson Street, Bentleigh
- 235 Jasper Road, Bentleigh
- 237 Jasper Road, McKinnon.

¹ The centre line of Field Street forms the boundary between the localities of McKinnon and Bentleigh with the north side of the street in McKinnon and the south side in Bentleigh

Figure 1 Proposed Heritage Overlay (HO188)

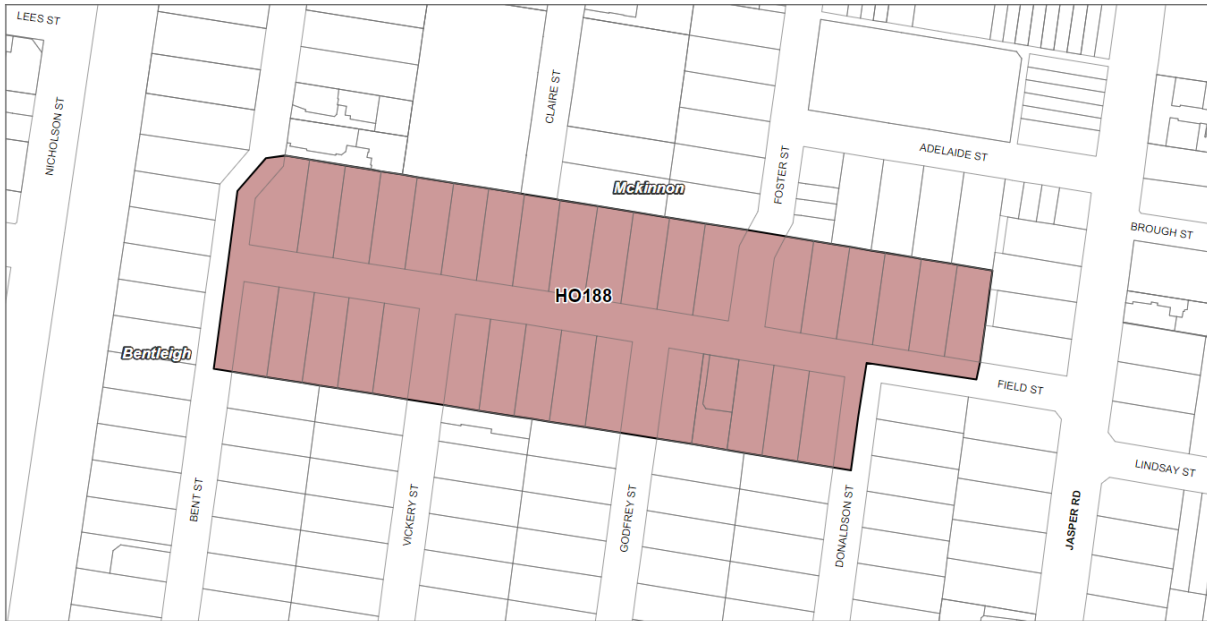
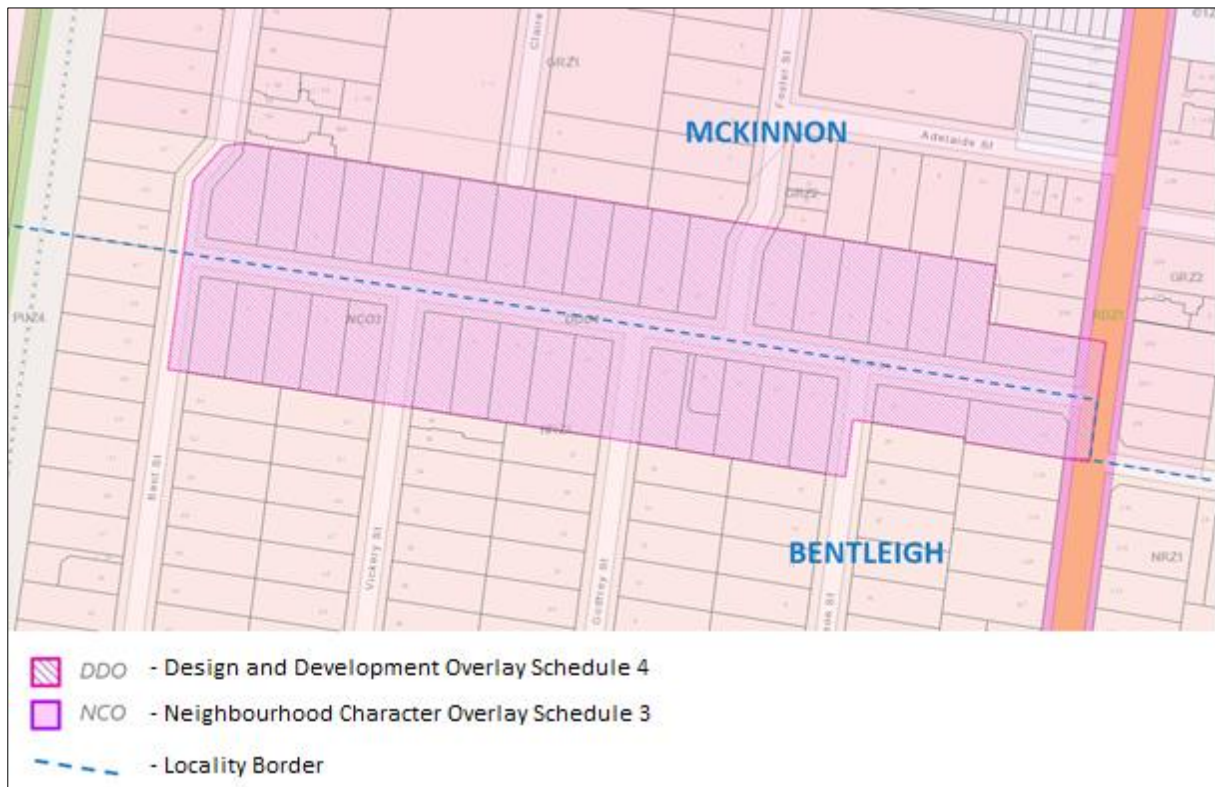


Figure 2 Extent of deletion of DDO4 and NCO3



Source: Glen Eira Planning Scheme Amendment C197glen Explanatory Report

1.2 Background

(i) Planning Permit application 32582/2019

On 14 June 2019, Council refused Planning Application No. GE/DP-32582/2019 for the demolition of an existing dwelling and construction of two dwellings and a fence at 12 Field Street Bentleigh following the receipt of 27 objections from neighbouring residents and

landowners. The objections sought the protection of the existing character of the street and a review of the areas for heritage significance.

(ii) Heritage Citation

Built Heritage Pty Ltd was engaged by Council in May 2013 as part of its commitment to review heritage places under its *Council and Community Plan 2017-2021* and in response to community concerns to review the heritage values of the Field Street area. This assessment resulted in the preparation of the *Citation: Field Street Precinct, Bentleigh* (Citation) in August 2019.

The Citation identified that Field Street, Bentleigh as a precinct met the threshold for local significance identified in *Planning Practice Note 1: Applying the Heritage Overlay (August 2018)* (PPN01) satisfying Criterion A (historic significance) and Criterion E (aesthetic significance).

The Citation recommended:

- the identification of the Field Street Precinct within the Schedule to Clause 43.01 Heritage Overlay Schedule as a heritage precinct
- the grading of 1-37, 2-22, 26-30 Field Street as 'significant' elements within the precinct
- the grading of 24/24a Field Street as 'non-contributory'.

The exhibited Statement of Significance to be included as an incorporated document by the Amendment is derived from the Citation.

(iii) Authorisation and interim controls

The Amendment was authorised for exhibition by the Department of Environment, Land, Water and Planning (DELWP) under delegation from the Minister for Planning on 7 November 2019 subject to minor documentation change conditions. These matters were addressed by Council prior to exhibition of the Amendment.

An application for interim controls (Glen Eira Planning Scheme Amendment C202) was submitted to DELWP on 3 October 2019. This request is understood to apply to a wider area including Elsternwick. No decision has been made on Amendment C202 as at the date of this Report.

1.3 Summary of issues raised in submissions

Ten submissions were received following the exhibition of the Amendment, of which nine were supportive. Of these, four submissions including the Environment Protection Authority and South East Water supported the Amendment with no qualifications while five submissions sought to extend the HO188 to additional properties. One submission opposed the Amendment.

The key issues related to:

- including 26 Donaldson Street, Bentleigh, 235 Jasper Road, Bentleigh and 237 Jasper Road, McKinnon into the Heritage Overlay (HO188 precinct)
- excluding 27 Field Street, McKinnon from the HO188 because of changes to it.

1.4 Procedural issues

(i) Post-exhibition changes

Council proposed post-exhibition changes to the Amendment in response to submissions seeking to retain NCO3 and DDO4 over 26 Donaldson Street, Bentleigh, 235 Jasper Road, Bentleigh and 237 Jasper Road², McKinnon while it undertook a further heritage assessment of nearby areas. These changes are discussed in Chapter 5.

Council provided details of correspondence and telephone conversations with the submitters seeking changes to the Amendment (Document 1). While there appeared to be support for the proposed changes these submissions were not withdrawn.

(ii) Documentation error

Council's Part A submission noted an error in the Council report body and recommendations and minutes of 9 June 2020 which incorrectly identified the property at 237 Jasper Road, Bentleigh as 257 Jasper Road, Bentleigh. The authorisation and Amendment documentation, including the Explanatory Report and mapping however, correctly identified the effected property as 237 Jasper Road, Bentleigh. The Panel notes this error but considers that it does not materially impact on the intent of the Amendment which clearly identifies all properties subject to the Amendment.

(iii) Further notice of the Amendment

On the 28 August 2020, Council sought to postpone the Hearing for two weeks to notify the owners of 26 Donaldson Street, 235 and 237 Jasper Road of its proposed post-exhibition changes to retain the NCO3 and DDO4 over those properties. Council advised that it had not earlier notified those land owner submitters of the proposed change which while considered a minor change should be undertaken "*for natural justice*". The Panel supported this request and rescheduled the Hearing for the 22 September 2020. No further submissions were received following Council's notification of those land owners.

1.5 The Panel's approach

Only one party (Council) requested to be heard by the Panel. Rather than deal with the matter 'on the papers', the Panel sought to conduct a Hearing by video conference which was livestreamed. This also enable the Panel to conduct the Hearing in a manner that was cognisant of the COVID-19 pandemic which has created challenges with respect to the conduct of the usual face-to-face Hearing format. The health and safety of parties and the wider community was paramount in the decision of the Panel to vary the usual Hearing process.

The Panel has assessed the Amendment against the principles of net community benefit and sustainable development, as set out in Clause 71.02-3 (Integrated decision making) of the Planning Scheme.

The Panel considered all written submissions made in response to the exhibition of the Amendment, observations from its site visit, and submissions, evidence and other material presented to it during the Hearing. While it has reviewed all material provided it has had to

² The minutes of the Council meeting of 6 June 2020 refer to 257 Jasper Road in error.

be selective in referring to the more relevant or determinative material in the Report. All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the Report.

This Report deals with the issues under the following headings:

- Planning context
- Strategic justification
- 27 Field Street, Bentleigh
- Curtilage of the Field Street Precinct (HO188).

2 Planning context

Council's Explanatory Report and Part A submission identified that the following provisions of the Act and the Planning Policy Framework were relevant to the Amendment which the Panel has summarised below.

2.1 Victorian Planning Objectives

Section 4(1)(d) of the *Planning and Environment Act 1987* is relevant to the Amendment:

To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.

2.2 Planning Policy Framework

Council identified that the following clauses of the Glen Eira Planning Scheme are relevant to the Amendment:

State Planning Policies

Clause 15 (Built Environment and Heritage)

- Clause 15.03-1S (Heritage Conservation) which seeks to ensure the conservation of places of heritage significance. Relevant strategies are:
 - Identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme.
 - Provide for the conservation and enhancement of those places that are of aesthetic, archaeological, architectural, cultural, scientific or social significance.
 - Retain those elements that contribute importance to the heritage place.
 - Encourage appropriate development that respects places with identified heritage values.

Municipal Strategic Statement and Local Planning Policies

Clause 21 (Municipal Strategic Statement)

- Clause 21.10 (Heritage) which seeks to identify, protect, enhance and promote understanding of Glen Eira's heritage. Relevant objectives are:
 - Protect places identified as having architectural, cultural or historical significance.
 - To encourage retention, preservation and restoration of all of significant and contributory heritage places within Glen Eira.

Clause 22 (Local Planning Policies)

- Clause 22.01 (Heritage Policy) seeks to identify, protect, enhance and promote understanding of Glen Eira's heritage.
- Clause 22.01-2 (Heritage Policy) outlines the objectives for the conservation and protection of heritage places. Relevant objects are:
 - To protect places identified as having architectural, cultural or historic significance and which demonstrate the various eras of Glen Eira's development.
 - To encourage retention, preservation and restoration of all significant and contributory places within the City of Glen Eira.
- Clause 22.01-3 (Heritage Policy) sets out a series of policies including:
 - Take into account the statement of significance for a heritage place when making decisions about proposed buildings and works associated with that place

- **Demolition**, it is policy to:
 - Retain significant and contributory buildings.
 - Discourage complete demolition of significant and contributory buildings unless it can be demonstrated to the satisfaction of the Responsible Authority that:
 - The building is structurally unsound and cannot be feasibly repaired or adapted for reuse; and
 - The original fabric of the building has deteriorated to such an extent that a substantial reconstruction would be required to make the building habitable; and
 - The replacement building displays design excellence; and
 - If located within a heritage precinct, the replacement building clearly and positively supports the ongoing significance of the heritage precinct.
 - Allow the partial demolition of significant and contributory buildings where the fabric to be demolished is of no significance, or for the purpose of additions if the addition will not affect the heritage significance of the building and is sympathetic in its scale and form.
 - Where relevant, ensure an application for demolition is also accompanied by a replacement development proposal.
 - To retain significant trees, and/or garden layouts that have been identified for their historical significance.
- **New Buildings in Heritage Precincts (Residential)**, it is policy to:
 - Ensure proposals are respectful of the existing scale, rhythm, massing, form and siting of significant and contributory buildings when viewed from the street.
 - Encourage high quality, contemporary design or a simplified interpretation of the architecture of contributory buildings within the precinct to ensure new buildings are distinguishable from original buildings within the area. Discourage side by side development unless this is a dominant typology in the precinct.
- **Front Fences and Gates**, it is policy to:
 - Retain original contributory fences.
 - Ensure that new front fences are constructed in a manner that is sympathetic to and contributes positively to the significance of the heritage place and wider precinct.
 - Ensure that new fences are designed to allow views to the heritage place from the street.
- **Vegetation**, it is policy to:
 - Encourage the retention of culturally significant trees in a heritage place unless:
 - The trees are to be removed as part of a maintenance program to manage loss of trees due to deterioration caused by old age or disease.
 - The trees are causing structural damage to an existing structure and remedial measures (such as root barriers and pruning) cannot be implemented.

- Ensure additions and new works respect culturally significant trees (and where possible, significant garden layouts) by siting proposed new development at a distance that ensures the ongoing health of the tree.

2.3 Other plans and strategies

(i) Plan Melbourne

Plan Melbourne 2017-2050 sets out strategic directions to guide Melbourne's development to 2050, to ensure it becomes more sustainable, productive and liveable as its population approaches 8 million. It is accompanied by a separate implementation plan that is regularly updated and refreshed every five years.

Plan Melbourne is structured around seven Outcomes, which set out the aims of the plan. The Outcomes are supported by Directions and Policies, which outline how the Outcomes will be achieved. Outcomes that are particularly relevant to the Amendment are set out in Table 1.

Table 1 Relevant parts of Plan Melbourne

Outcome	Directions	Policies
Outcome 4: Melbourne is a distinctive and liveable city with quality design and amenity	Direction 4.4 respect our heritage as we build for the future	Policy 4.4.1: Recognise the value of heritage when managing growth and change

(ii) Council and Community Plan 2017-2021

Glen Eira's *Council and Community Plan 2017-2021* is a four-year strategic framework for Council's plans and activities. Theme One 'Liveable and Well Design' outlines Council's commitment to "review our heritage places and provide stronger development guidelines to preserve and enhance Glen Eira's heritage buildings and precincts." Council submitted that the review of the Field Street Precinct contributes to this Council commitment.

2.4 Planning scheme provisions

A common zone and overlay purpose is to implement the Municipal Planning Strategy and the Planning Policy Framework.

(i) Zones

The land is in the Neighbourhood Residential Zone Schedule 1. The purposes of the Zone are:

To recognise areas of predominantly single and double storey residential development.

To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.

To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

(ii) Overlays

The land is currently subject to the DDO4. The purpose of the Design and Development Overlay is:

To identify areas which are affected by specific requirements relating to the design and built form of new development.

The design objectives of DDO4 are:

To maintain the character of low front fences that allows unimpeded views to front gardens and dwellings.

To ensure that front and side fences within the building frontage complement the design and materials of the preferred neighbourhood character, prevailing style and scale in the overlay area and the building on the lot.

DDO4 requires a permit for a fence over 0.8 metres - 1.2 metres, depending on location and level of transparency.

The land is also subject to the NCO3. The purposes of the Neighbourhood Character Overlay are:

To identify areas of existing or preferred neighbourhood character.

To ensure that development respects the neighbourhood character.

To prevent, where necessary, the removal of buildings and vegetation before the neighbourhood character features of the site and the new development have been evaluated.

The neighbourhood character objectives of NCO3 are:

To ensure that new buildings and works reflect the statement of neighbourhood character of the area.

To encourage retention of older dwellings that contribute to the valued character of the area.

To maintain the established pattern of front and side setbacks in the street.

To ensure that new dwellings or extensions to existing dwellings respect the dominant building height, form, façade articulation, materials and roof forms of the streetscape.

To ensure that the use of design detail in new buildings complements, rather than mimics, that of the predominant building styles in the street.

To maintain the pattern of low or visually permeable front fencing that creates a sense of openness in the streetscape and allows views of dwellings and into front gardens, and complements the building era and style.

To minimise the loss of front garden space due to car parking and driveways, and minimise the dominance of car parking structures in the streetscape.

NCO3 provides for variations to ResCode standards relating to street setbacks, walls on boundaries, design detail (scale and form, roof pitch, storeys, materials and finishes, façade articulation and siting, second storey setbacks, garages and carports and front fences) to achieve the character objectives.

The land is proposed to be subject to the Heritage Overlay (HO188 Field Street Precinct, Bentleigh). The purposes of the Heritage Overlay are:

To conserve and enhance heritage places of natural or cultural significance.

To conserve and enhance those elements which contribute to the significance of heritage places.

To ensure that development does not adversely affect the significance of heritage places.

To conserve specified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.

The Heritage Overlay requires a planning permit to demolish, subdivide, build or carry out works. The Heritage Overlay enables its Schedule to specify additional controls for specific trees, painting previously unpainted surfaces, internal alterations and outbuildings and fences not exempt from notice. The Amendment does not propose to switch on any of these controls.

2.5 Ministerial Directions and Practice Note

Ministerial Directions

The Explanatory Report discusses how the Amendment meets the relevant requirements of:

- Ministerial Direction 9 (Metropolitan Planning Strategy)
- Ministerial Direction 11 (Strategic Assessment of Amendments)
- Ministerial Direction (The Form and Content of Planning Schemes pursuant to section 7(5) of The Act) – referred to as Ministerial Directions 7(5) in this Report.

That discussion is not repeated here.

Planning Practice Note 1

Planning Practice Note 1: Applying the Heritage Overlay, August 2018 (PPN01) provides guidance about using the Heritage Overlay. It states that the Heritage Overlay should be applied to, among other places:

Places identified in a local heritage study, provided the significance of the place can be shown to justify the application of the overlay.

PPN01 specifies that documentation for each heritage place needs to include a statement of significance that clearly establishes the importance of the place and addresses the heritage criteria. It recognises the following model criteria (the Hercon criteria) that have been adopted for assessing the value of a heritage place:

- Criterion A:** Importance to the course or pattern of our cultural or natural history (historical significance).
- Criterion B:** Possession of uncommon rare or endangered aspects of our cultural or natural history (rarity).
- Criterion C:** Potential to yield information that will contribute to an understanding of our cultural or natural history (research potential).
- Criterion D:** Importance in demonstrating the principal characteristics of a class of cultural or natural places or environments (representativeness).
- Criterion E:** Importance in exhibiting particular aesthetic characteristics (aesthetic significance).
- Criterion F:** Importance in demonstrating a high degree of creative or technical achievement at a particular period (technical significance).
- Criterion G:** Strong or special association with a particular community or cultural group for social, cultural or spiritual reasons. This includes the significance of a place to Indigenous peoples as part of their continuing and developing cultural traditions (social significance).
- Criterion H:** Special association with the life or works of a person, or group of persons, of importance in our history (associative significance).

3 Strategic justification

3.1 The issues

The issues are whether the Amendment:

- is consistent with the relevant Ministerial Directions and Practice Notes
- is supported by, and implements the relevant sections of the Planning Policy Framework and relevant local heritage studies
- is strategically justified.

3.2 Background

(i) Heritage Citation

The Citation includes the following description of Field Street:

The houses along Field Street comprise two rows of dwellings largely dating from the mid-1920s to the early 1940s, with only one property of recent origin. As built, the original houses were all single-storey detached dwellings (although a few have had a discreet second storey added in more recent times) with a consistent scale and setback.

With more than half of the original houses built from 1925 to 1930, they tend to be representative of the prevailing bungalow style ... The street facades of these earlier houses are asymmetrical, with offset front porches, bays of timber-framed windows, and gable ends... Several of the porches incorporate round or segmental arched heads ... Windows tend to be grouped as double or triple sashes, typically double-hung ...

The relatively few houses in Field Street from the late 1930s and '40s are of brick construction ... Roofs, variously hipped or gabled, are clad with red terracotta tile. Some of these later houses have triple-fronted facades ... Of the two houses built in the late 1940s, one (No 22 ...) can be considered as a late manifestation of the pre-war Tudor Revival mode, while the other (No 16) is a simpler triple-fronted house with corner windows and flat roofed porch that payslip service to the pervasive Moderne style, which remained popular into the earlier post-WW2 era.

Most of the original houses in the street retain front fences that are either original or more recent but still sympathetic with the inter-war period. Numerous houses have dwarf walls in either face brick ... or rendered brick ... Several properties ... have simple timber fences with woven wire, while others have picket fences of more recent origin ...

Landscaping of front gardens is also generally sympathetic to the pre-war era, with open lawn areas, perimeter garden beds and low plantings of hedges and shrubs along the street boundary line ...

The only "new" houses in the street are a detached pair strata-titled single-storey dwellings at Nos 24/24a, erected in the early 1990s on the site previously occupied by a house from the early 1950s. The front house (No 24) is a rendered brick dwelling in a faux-Federation style ... The rear house (No 24a), barely visible from the street, is a simpler hip-roofed brick dwelling.

The Citation includes photos (Figure 2) several dwellings which demonstrate the street's built form characteristics.

Figure 3 Field Street Precinct Citation photos



Timber bungalow at 13 Field Street (1925)



Rendered house at 1 Field Street (c1930)



20 Field Street - Streamlined Moderne style (c1941)



22 Field Street - belated Tudor Revival mode (c1949)



Typical bungalow (north side of Field Street)



Typical bungalow (south side of Field Street)

Source: Built Heritage Pty Ltd - Citation: *Field Street Precinct, Bentleigh*

(ii) Statement of Significance**What is significant?**

The Field Street Precinct, encapsulating properties at 1-37 and 2-30 Field Street, Bentleigh, comprises 35 detached dwellings along both sides of the street. This building stock consists almost entirely of single-storey brick and timber houses from the mid-1920s to the late 1930s; two more houses in similar styles appeared in the late 1940s, while the sole property of more recent origin is a pair of strata titled 1990s dwellings at No 24/24a.

Field Street forms part of the large and ambitious Garfield Estate, a 221-lot residential subdivision extending between Jasper Road and the railway line, created in 1924 from the former market gardens of the eponymous Garfield Brothers.

How is it significant?

The Field Street Precinct satisfies the following criteria for inclusion on the heritage overlay schedule to the City of Glen Eira planning scheme:

- Criterion A: Importance to the course, or pattern, of Glen Eira's cultural history.
- Criterion E: Importance in exhibiting particular aesthetic characteristics.

Why is it significant?

The Field Street Precinct is associated with the Garfield Estate, a substantial residential subdivision that was laid out in 1924 and developed rapidly over the next fifteen years. Comprising more than two hundred allotments, the Garfield Estate was one of the largest and most ambitious of several local residential subdivisions created in the 1920s from former market gardens, taking advantage of the electrification of the railway line in 1922. The houses along Field Street, two of which date back as far as 1926, represent the most intact cluster of original pre-war residences within the entire extent of the Garfield Estate. (Criterion A)

The Field Street Precinct is significant as a notably intact inter-war residential streetscape in Bentleigh. Most houses, dating from c1925 to c1935, are demonstrative of the prevailing bungalow idiom of the time: single-storey detached brick or timber dwellings with tiled roofs and asymmetrical facades with front porches. Unified by a consistency of form and materials, they also show individuality through different window, porch and decorative treatments. They are complemented by slightly later brick houses in the Tudor Revival and Moderne idioms. Consistent in scale, form, setback and materials, the houses in Field Street combine to form cohesive inter-war residential streetscape that represents a rare survivor in the Bentleigh area. This is enhanced by their setting, including front gardens with open lawns, garden beds and low plantings along street boundaries, many of which are marked by brick or timber fences that, if not original, are evocative of the inter-war era. (Criterion E)

3.3 Heritage Citation content and methodology

(i) Approach and evidence

Mr Simon Reeves of Built Heritage was called by Council to provide heritage evidence. Mr Reeves prepared the precinct Citation.

His evidence set out the methodology used to prepare the Citation which included:

- fieldwork to record and photograph the dwellings in Field Street and conduct a 'windscreen' survey of surrounding streets
- historical research
- a comparative analysis with streets in the same pre-war subdivision as Field Street
- preparing an initial report that identified:
 - that Field street was created in 1924 with all blocks built on by 1945, with only one dwelling demolished
 - Field Street was more cohesive than other streets in the pre-war subdivision making it a rare survivor of the era
 - Field Street was an ideal candidate as a heritage precinct.
- preparing a full citation which considered nearby Bent Street and was supported by additional historical research, fieldwork (which excluded Bent Street which was considered less cohesive with new building elements) and comparative analysis.

The Citation includes:

- history of the subdivision and early development of Field Street
- description of the precinct
- comparative analysis
- Statement of Significance
- references.

The comparative analysis was undertaken by examining interwar residential development in Bentleigh associated with the Garfield Estate, one of the largest of Bentleigh's inter-war estates, which formed part of a major boom of local subdivision along the railway line. The analysis identified that the 221 lot Estate (bounded by Jasper Road, Field Street, Hayes Street and Bent Street) retains much pre-war building stock, but individual streetscapes display contrasting degrees of cohesion:

The southern fringe of the estate, where blocks are much closer to Bentleigh railway station and thus more desirable for speculation, has witnessed a considerable amount of redevelopment for higher-density living. This includes several blocks of flats erected in the 1950s and '60s (typified by those at No 20 Bent Street and Nos 16, 20, 21 and 25 Vickery Street). Since the 1990s, this pattern has become even more pronounced in the portion of Bent Street south of Bruce Street, where several substantial new residential buildings (including both large houses and blocks of flats) now occupy former bungalow sites at Nos 9, 14, 16, 22, 23, 24, 26, 30 and 36. Elsewhere in the Garfield Estate, pre-war bungalows are interspersed with a smattering of more recent houses. While some, such as 4 Bruce Street and 41a Godfrey Street, are of comparable single-storey scale, most are larger two-storey dwellings, typified by those at 197 Jasper Road, 37 and 55 Godfrey Street, 41 and 59 Bent Street, 1 Bruce Street, 9 and 12 Donaldson Street, and 39, 41, 42A and 58-60 Vickery Street. Of the original pre-war bungalows remain standing in the Garfield Estate, a considerable number have been extended with dominant second storey additions. This is a recurring characteristic of the streets south of Field Street, with numerous examples noted in Vickery Street (eg Nos 29, 33, 46, 48, 51 and 53), Godfrey Street (eg Nos 14, 43, 51, 57) and Donaldson Street (eg Nos 8, 13,

14, 15, 16, 18), as well as a handful in Bruce Streets (Nos 4, 19 and 29) and the northern part of Bent Street (Nos 42, 50 and 51).

Responding to questions from the Panel relating to the comparative analysis, Mr Reeves identified that the Garfield Estate was a significant interwar subdivision in Bentleigh because it was much larger than other subdivisions of the time including the McKinnon, Jones and Marriott Estates. He considered Field Street a “*remarkable survivor*” of the early subdivision and features a virtually intact interwar streetscape and one almost without comparison in Bentleigh.

(ii) Submissions

No submissions questioned the content or manner in which the Citation and Statement of Significance had been prepared.

Council submitted that the Citation had been prepared consistent with PPN01 and provided an appropriate basis for the application of the Heritage Overlay.

(iii) Discussion and findings

The Panel considers that the Citation has been prepared in a manner consistent with PPN01. The Citation is robust and includes the salient elements including comparative analysis and research that underpin its conclusions. While the Panel was initially concerned that the focus of the comparative analysis was relatively small (limited to the Garfield Estate), Mr Reeves clarified that he had also considered the street in the context of other interwar subdivisions and that the Garfield Estate was by far the largest and Field Street among the most intact interwar streetscapes in Bentleigh. The Panel is satisfied that the scale of comparative analysis is appropriate, and that the Precinct is relatively unique in Bentleigh and Glen Eira.

The Panel considers that the Citation supports the conclusion that the Precinct meets the threshold criteria (under Criterion A and E) to a necessary level and that it is a place of heritage significance.

The key elements of the Citation have been included in the exhibited Statement of Significance. The Panel considers that the Statement of Significance has generally been prepared in form consistent with PPN01 although it noted at the Hearing that the ‘How is it significant?’ description is not expressed in an appropriate manner and should more clearly identify the Precinct is significant rather than referring to the application of the Heritage Overlay or the specifics of the identified Hercon criteria. Mr Reeves acknowledged that the description could be amended to a different format while retaining the core elements in the exhibited version:

The Field Street Precinct is significant for its ability to demonstrate a pattern of Glen Eira’s cultural history, and for exhibiting particular aesthetic characteristics.

With support of Council, he produced a revised description with some additional linking words under the heading ‘Why is it significant?’. This version was provided to the Panel in a tracked changes format and included as the Panel’s preferred version of the Statement of Significance in Appendix B.³

³ Document 8

The Panel finds:

- The Citation and Statement of Significance have generally been prepared in a manner consistent with the PPN01 and provide a sufficiently robust basis to identify that the Precinct meets the thresholds of Criterion A and E and is a place of local heritage significance.
- The Statement of Significance should be amended to include a new description of 'How is it significant?' consistent with the format identified in PPN01.

3.4 Policy support

(i) Submissions

Council submitted that the Citation identified that there was something tangible in terms of heritage fabric and significance to manage, consistent with PPN01. It considered that the application of the Heritage Overlay was consistent with section 4(1)(d) of the Act, Clause 15.03-1S and Clause 21.10-2 and PPN01.

Council submitted that the Amendment was also consistent with *Planning Practice Note 91: Using the Residential Zones, 24 December 2019* and that it was appropriate to distinguish between neighbourhood character and heritage; determine heritage significance through recognised criteria; and apply the Heritage Overlay where the objective is to conserve the existing buildings and consistent with the strategic intent of policy where proposed in a residential zone. It submitted that the subject land was not in an area identified for housing change and the application of the Heritage Overlay did not conflict with housing policy objectives.

(ii) Discussion and findings

No submissions were advanced that the Amendment was not supported by planning policy.

The Panel agrees with Council that there is a strong strategic basis for applying the Heritage Overlay underpinned by an appropriate level of analysis. The Amendment responds to the objectives of planning under the Act to conserve and enhance buildings of heritage significance and implements the policies and strategies of Clause 15.03. It also responds to Glen Eira's heritage policy intent as set out in Clauses 21.10 and 22.01. The Amendment will not have any impact on Council's ability to achieve its broader housing policy objectives as the provisions of Clause 22.01 provide a basis for considering development within the Heritage Overlay.

The Amendment will provide an opportunity for an appropriate planning control to be applied, in addition to other considerations, to ensure the future development of these sites is managed consistent with the values of the wider precinct. Accordingly, the Amendment will provide for sustainable development and provide a positive community benefit through the long term recognition and protection of places that are important to the local community.

The Panel finds:

- The Amendment is supported by and implements the relevant sections of the Planning Policy Framework.

3.5 Conclusions and recommendation

The Panel concludes the Amendment:

- is consistent with the relevant Ministerial Directions and Practice Notes
- is supported by, and implements the relevant sections of the Planning Policy Framework and relevant local heritage studies
- is strategically justified
- delivers net community benefit and sustainable development as required by Clause 71.02-3s
- should proceed subject to addressing more specific issues raised in submissions as discussed in the following chapters.

The Panel recommends

Amend the Field Street Precinct Statement of Significance to include a new description of 'How is it significant?' and additional linking words under 'Why is it significant?' as shown in the Panel's preferred version of the Statement of Significance in Appendix B.

4 27 Field Street, Bentleigh

4.1 The issue

The Field Street Precinct Statement of Significance grades 27 Field Street, Bentleigh (Figure 4) as 'Significant'.

Figure 4 27 Field Street, Bentleigh



Source: Council images from Google Street View (Document 6)

The issue is:

- whether 27 Field Street, Bentleigh should be included in the Field Street Precinct (HO188) and graded as 'Significant'.

4.2 Evidence and submissions

Submissions 9 and 10 supported the application of HO188 over the entire Field Street Precinct to protect the character of the street. Submissions 3, 4, 5, 6 and 8 supported the Amendment overall.

Submission 7 opposed HO188 being applied to 27 Field Street on the basis that the existing dwelling was not in its original state.

Mr Reeves' evidence confirmed that the house was erected during 1928 and was a:

... single-storey inter-war weatherboard bungalow with gambrel roof clad in terracotta tiles, incorporating a shingled gablet to the street. Its double fronted street frontage incorporated a full-width verandah with plain timber posts supported by capped brick plinths, and there were boxed windows with timber-framed double hung sashes. All of these elements are demonstrably in accordance with the defining architectural and aesthetic character of the Field Street streetscape, and particularly the earlier houses dating from the second half of the 1920s.

He identified that Submission 7 did not articulate the nature and extent of the dwelling modifications and assumed they "*pertain to the interior or to the rear of the house, as its street frontage remains substantially intact*" and that it remained 'Significant' in his opinion.

4.3 Discussion and conclusion

All properties in the proposed Field Street Precinct are graded Significant other than the more recent development at 24/24a Field Street which are graded 'non-contributory' elements. The Panel agrees with the evidence of Mr Reeves that the dwelling at 27 Field Street clearly displays the heritage characteristics of the precinct namely:

- its single-storey detached built form, scale, asymmetrical façade with offset brick porch and setback
- materiality (timber clad, roof form and use of red terracotta tiles)
- being representative of the prevailing bungalow style from 1925 to 1930.

It does so in a manner consistent with the other Significant graded dwellings in the proposed precinct. Any alterations were not apparent from the primary street view and do not impact on the readily identifiable dwelling form. There is no apparent reason or justification for a lesser grading to be applied or to remove the site from the precinct. To do so would potentially comprise the integrity of the precinct.

The Panel concludes:

- That 27 Field Street, Bentleigh should be included in the Field Street Precinct (HO188) and graded 'Significant'.

5 Curtilage of the Field Street Precinct (HO188)

5.1 The issues

The issues are:

- whether the curtilage of the proposed Field Street Precinct should be extended to include 26 Donaldson Street, Bentleigh, 235 Jasper Road, Bentleigh and 237 Jasper Road, McKinnon
- whether NCO3 and DDO4 should be retained on 26 Donaldson Street, 235 and 237 Jasper Road.

5.2 Evidence and submissions

Submission 6 supported the application of HO188 over 26 Donaldson Street, 235 and 237 Jasper Road because they were located on the edge of Field Street (and within the NCO which was proposed to be removed) and their inclusion was important to give the “*whole street protection*”. Submissions 3, 4, 5 and 8 sought the same outcome.

The evidence of Mr Reeves identified that Field Street constituted a cohesive streetscape of houses with their principal elevations to Field Street and that it was appropriate to exclude houses on corner sites with their principal elevations to other streets. He considered that the two houses fronting Jasper Road and 26 Donaldson Street did not make an important contribution to the Field Street streetscape. He identified that:

- 237 Jasper Road was dominated by a substantial hip-roofed second storey addition and a new hip-roofed brick garage built to the property line and did not provide an appropriate termination to the Field Street streetscape and in fact overwhelmed it
- the house at 26 Donaldson Street appeared to be altered with the current rendered brick surfaces was probably recent
- including the three properties would require consideration of the further expansion of the precinct to include other dwellings that might contribute to it (for example 233, 239, 241 and 243 Jasper Road and 20, 22 and 24 Donaldson Street).

In relation to the alignment of the NCO3 with HO188, Mr Reeves considered that there was no imperative for the Overlays to align as they have distinctly different purposes.

Council considered that the Heritage Overlay was the appropriate tool to apply to the precinct to recognise and protect its heritage values and that it was appropriate to remove the NCO3 and DDO4 to avoid an “*an unnecessary additional layer of control to the HO*”. Council’s post-exhibition changes propose to retain the NCO3 and DDO4 on 26 Donaldson Street, 235 and 237 Jasper Road as shown in Figure 5 until further heritage work is undertaken by Council.

Figure 5 26 Donaldson Street, 235 and 237 Jasper Road

Source: Council's Part A submission

5.3 Discussion

The Panel's inspection of the street identified a consistency of built form and materiality, styles represented (mostly from the 1920s and 1930s) roof form and setback (side and street). The Panel noted that while these interwar period dwellings showed some variations of the bungalow style in terms of use of brickwork detailing and rendering and roof arrangements this is common to the prevailing application of the style and its popular variations. While there are some later period (1940s) dwellings including 16 and 22 Field Street they are consistent with many of the Precinct's heritage characteristics (general form, roof pitch and materials and setbacks). While a variety of fence styles are present, they are predominantly low and do not significantly obscure dwellings or impact on the appearance of the Precinct.

The Panel supports the rationale of Mr Reeves to limit the extent of the Field Street Precinct to those properties that have direct frontage to it. While 26 Donaldson Street, 235 and 237 Jasper Road are visually connected to the Precinct, they are located to the eastern end of the Precinct and are altered or arranged so as not to demonstrate its significant heritage characteristics.

The proposed HO188 presents as a cohesive and readily discernible Precinct with all dwellings, other than the more recent development at 24 and 24a, demonstrating the identified heritage characteristics. The Precinct displays a high level of intactness comprising almost all of its original interwar or early post-war dwellings. It is appropriate to include 24 and 24a Field Street in the Precinct. Its development has responded reasonably well to the prevailing street character to the extent that it is visually neutral and does not interrupt or detract from it. The site's location within the centre of the Precinct requires its inclusion to ensure any future development can be managed to protect the integrity of the Precinct.

Council identified that:

... the NCO is used when an area exhibits specific characteristics that need to be protected or changed to achieve a preferred character and the DDO relates to specific design and development outcomes sought (specifically for front fences). The HO is used when a place has cultural heritage value and the objective is to conserve the existing building or buildings.

The Panel supports Council's post-exhibition changes to retain the NCO3 and DDO4 on the properties at 26 Donaldson Street, 235 and 237 Jasper Road and considers that the requirements of those overlays relating to fences, setbacks and design detail including roof forms and materials will ensure any new development at those sites will be undertaken in a manner that are complimentary and respectful to the heritage attributes of HO188. While

Council was not in a position to confirm when a future heritage review would be undertaken to consider the wider application of the Heritage Overlay it is reasonable to maintain the NCO3 and DDO4 on the three dwellings with secondary frontages to Field Street until that work is done. The Panel is comfortable that this change to the Amendment is acceptable as it retains the existing controls as they apply to these sites and because Council notified the owners of its intention to retain them until further strategic work is undertaken.

Deleting NCO3 and DDO4 from the balance of the HO188 precinct is appropriate to avoid the replication of controls that offer no further protection or guidance than that provided for in the Heritage Overlay. DDO4 only relates to fences. The Panel supports the proposed minor changes to the schedules to NCO3 and DDO4 relating to references to Field Street and notes that this will not impact on 26 Donaldson Street, 235 and 237 Jasper Road. The Panel notes however, that the DDO4 title does not include all streets to which it applies (i.e. Jasper Road), it is clear through mapping where the control applies. This is a matter Council can review at a later time.

5.4 Conclusions and recommendations

The Panel concludes:

- 26 Donaldson Street, Bentleigh, 235 Jasper Road, Bentleigh and 237 Jasper Road, McKinnon should not be included in the Field Street, Bentleigh Precinct (HO188).
- NCO3 and DDO4 should be retained on the properties at 26 Donaldson Street, Bentleigh, 235 Jasper Road, Bentleigh and 237 Jasper Road, McKinnon.

The Panel recommends:

Abandon the deletion of Design and Development Overlay Schedule 4 (DDO4) and Neighbourhood Character Overlay Schedule 3 (NCO3) from 26 Donaldson Street, Bentleigh, 235 Jasper Road, Bentleigh and 237 Jasper Road, McKinnon.

Appendix A Document list

No.	Date	Description	Provided by
1	3/07/2020	Email - Council correspondence with submitters	Council
2	28/08/2020	Email - Request to defer Hearing for further 2 weeks	"
3	14/09/2020	Council Part A submission and attachments	"
4	"	Expert witness statement of Mr Reeves	"
5	"	Aerial photos and streetscape images	"
6	21/09/2020	Council Part B submission	"
7	22/09/2020	Copy of Authorisation	"
8	"	Statement of Significance changes	"

Appendix B Panel's preferred version of the Field Street Precinct, Bentleigh Statement of Significance

Tracked Added

~~Tracked Deleted~~

Statement of Significance

What is Significant?

The Field Street Precinct, encapsulating properties at 1-37 and 2-30 Field Street, Bentleigh, comprises 35 detached dwellings along both sides of the street. This building stock consists almost entirely of single-storey brick and timber houses from the mid-1920s to the late 1930s; two more houses in similar styles appeared in the late 1940s, while the sole property of more recent origin is a pair of strata titled 1990s dwellings at No 24/24a.

Field Street forms part of the large and ambitious *Garfield Estate*, a 221-lot residential subdivision extending between Jasper Road and the railway line, created in 1924 from the former market gardens of the eponymous Garfield Brothers.

How is it Significant?

The Field Street Precinct is significant for its ability to demonstrate a pattern of Glen Eira's cultural history, and for exhibiting particular aesthetic characteristics.

~~The Field Street Precinct satisfies the following criteria for inclusion on the heritage overlay schedule to the City of Glen Eira planning scheme:~~

- ~~● Criterion A: Importance to the course, or pattern, of Glen Eira's cultural history.~~
- ~~● Criterion E: Importance in exhibiting particular aesthetic characteristics~~

Why is it Significant?

Historically, tThe Field Street Precinct is associated with the *Garfield Estate*, a substantial residential subdivision that was laid out in 1924 and developed rapidly over the next fifteen years. Comprising more than two hundred allotments, the *Garfield Estate* was one of the largest and most ambitious of several local residential subdivisions created in the 1920s from former market gardens, taking advantage of the electrification of the railway line in 1922. The houses along Field Street, two of which date back as far as 1926, represent the most intact cluster of original pre-war residences within the entire extent of the *Garfield Estate*.
(*Criterion A*)

Aesthetically, tThe Field Street Precinct is significant as a notably intact inter-war residential streetscape in Bentleigh. Most houses, dating from c1925 to c1935, are demonstrative of the prevailing bungalow idiom of the time: single-storey detached brick or timber dwellings with tiled roofs and asymmetrical facades with front porches. Unified by a consistency of form and materials, they also show individuality through different window, porch and decorative treatments. They are complemented by slightly later brick houses in the Tudor Revival and Moderne idioms. Consistent in scale, form, setback and materials, the houses in Field Street combine to form cohesive inter-war residential streetscape that represents a rare survivor in the Bentleigh area. This is enhanced by their setting, including front gardens with open lawns, garden beds and low plantings along street boundaries, many of which are marked by brick or timber fences that, if not original, are evocative of the inter-war era.
(*Criterion E*)