

IN PLANNING PANELS VICTORIA

**‘PART A’ SUBMISSION
ON BEHALF OF THE PLANNING AUTHORITY**

**AMENDMENT C190glen TO THE GLEN EIRA PLANNING
SCHEME**

19 October 2020

INTRODUCTION

1. Glen Eira City Council (**Council**) is the Planning Authority for Amendment C190glen (**Amendment**) to the Glen Eira Planning Scheme (**Scheme**). Council has prepared and is the proponent of the Amendment.
2. This 'Part A' submission is made in accordance with the Panel's Directions dated 26 August 2020 (**Directions**).
3. This submission addresses the following matters in accordance with direction #2 of the Directions:
 - 3.1 background, including a chronology of events for the Amendment;
 - 3.2 strategic context and assessment, including a detailed response to Planning Practice Note 1: Applying the Heritage Overlay;
 - 3.3 issues identified in submissions; and
 - 3.4 any suggested changes to the Amendment in response to submissions, including a clear and complete list of post-exhibition changes.
4. In addition to this submission, at the hearing listed to start on 27 October 2020, Council will:
 - 4.1 present its 'Part B' submission which will address, as appropriate, Council's responses to the matters raised in expert evidence and submissions; and
 - 4.2 call and rely on expert heritage evidence from Mr Anthony Hemingway of RBA Architects and Conservation Consultants.
5. The Amendment proposes implementing the recommendations of the:
 - 5.1 Glen Eira Heritage Review of Bentleigh and Carnegie Structure Plan Areas (Commercial) 2018 (Stage 2 Report) (**Commercial Heritage Review**);
 - 5.2 Glen Eira Heritage Review of Bentleigh and Carnegie Structure Plan Areas (Residential) 2019 (Stage 2 Report) (**Residential Heritage Review**); and
 - 5.3 the Former Methodist Church, 254 Neerim Road and 1A Toolambool Road, Carnegie reviewed and prepared by Heritage Alliance (2019) (**Former Methodist Church citation**).
6. Specifically, the Amendment seeks to:
 - 6.1 amend the Municipal Strategic Statement at Clause 21.10 (Heritage) to remove unnecessary references to documents that are noted in Clause 22.01 (Heritage Policy);
 - 6.2 amend Clause 22.01 Heritage Policy to remove to the outdated Statement of Significance and list of contributory properties for HO69 Bentleigh and Environs Heritage Area and to remove unnecessary references to different heritage reviews;

6.3 amend the Schedule to Clause 43.01 (Heritage Overlay) and Planning Scheme Maps 2HO and 3HO to apply the Heritage Overlay to the following new precincts:

HO Number	Description of Place	Properties included in HO
HO158	Carnegie Retail Precinct	<p>Koornang Road, Carnegie: 22 to 166 (east side) and 41 to 145, the latter also including 288 Neerim Road (west side)</p> <p>Morton Avenue, Carnegie: 1-1B (south side) and 18 (north side)</p> <p>Rosstown Road, Carnegie: 73 (north side) and 66 (south side)</p> <p>Woorayl Street, Carnegie: 2A-8 (north side)</p>
HO159	Glenhuntly Tram Terminus Estate Shops	Koornang Road, Carnegie: 231-251
HO160	Bentleigh Retail Precinct	Centre Road, Bentleigh: 248-268 and 354-494 (even numbers only, and excluding 438 & 438B Centre Road)
HO163	Shops, 369-377 Centre Road	Centre Road, Bentleigh: 369-377
HO165	Grand View Estate Shops	Centre Road, Bentleigh: 165-189/189A (odd number only)
HO168	Rose Hill Estate Precinct	<p>Rose Street, Bentleigh: All properties</p> <p>Centre Road, Bentleigh: 253-259</p>
HO169	Bentleigh Heights Estate Precinct	<p>The Highway, Bentleigh: All properties</p> <p>Centre Road, Bentleigh: 519-521</p>
HO177	Albert Flatman's Estates Precinct	<p>Shepparson Avenue, Carnegie: 46 to 65</p> <p>Belsize Avenue, Carnegie: 49 to 68</p> <p>Elliott Avenue, Carnegie: 46, 48, 50 to 69</p>
HO178	Carnegie Residential Precinct	<p><u>Carnegie</u></p> <p>Buckley Street: 2-24 (evens only) and 21-23</p> <p>Byron Street: 9-17 (odds) and 19-25 (odds) + 20-22</p> <p>Cosy Gum Road: 1-13 (odds)</p> <p>Edgewood Street: 1-24</p>

		<p>Grange Road: 24, 26, 28, 34, 46, 58</p> <p>Hollywood Grove: 1-49 (odds) and 2-48 (evens)</p> <p>McPherson Avenue: 1-27</p> <p>Mile End Road: 8-22 (evens)</p> <p>Milton Street: 1-15 (odds) and 2-8</p> <p>Mimosa Road: 81-91</p> <p>Munster Avenue: 1-31B (odds) + 2-34 (evens)</p> <p>Neerim Road: 214-242 (excluding no. 234)</p> <p>Seymour Avenue: 2-20</p>
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- 6.4 amend the Schedule to Clause 43.01 (Heritage Overlay) and Planning Scheme Maps 2HO and 3HO to apply the Heritage Overlay to the following new individual places:

HO Number	Description of Place	Properties included in HO
HO157	Rosstown Hotel	1084 Dandenong Road, Carnegie
HO161	Former ES&A Bank	385 Centre Road, Bentleigh
HO162	Centre Arcade and Neon Sign	325 Centre Road, Bentleigh
HO164	Former Brighton Gas Company Showrooms	411 Centre Road, Bentleigh
HO166	"Alfred Halley Residence"	178 Centre Road, Bentleigh
HO167	"Moore Residence"	200 Centre Road, Bentleigh
HO170	"Barton Residence"	56 Thomas Street, Brighton East
HO171	"Tyers Residence"	1118 Dandenong Road, Carnegie
HO172	"Peradeniya"	24 Elliott Avenue, Carnegie
HO173	The Pines - Doctor's Residence and Surgery (Former)	181 Koornang Road, Carnegie
HO174	"Truro"	185 Koornang Road, Carnegie
HO175	"Ida Villa"	234 Neerim Road, Carnegie

- 6.5 amend the Schedule to Clause 43.01 (Heritage Overlay) and Planning Scheme Maps 3HO to apply the Heritage Overlay to the following precinct extensions:

HO Number	Description of Place	Properties included in HO
HO69	Bentleigh Residential Precinct	<u>Bentleigh</u> Anstee Grove, Bendigo Avenue (part), Brewer Road (part), Burgess Street, Cairnes Grove, Campbell Street, Centre Road (part), Daley Street (part), Eddys Grove, Gilbert Grove, Milton Street (part), Mitchell Street (part), Sunnyside Grove.

- 6.6 amend the Schedule to Clause 43.01 (Heritage Overlay) and Planning Scheme Maps 2HO and 3HO to amend the Heritage Overlay for the following existing individual places:

HO Number	Description of Place	Properties included in HO	Change
HO47	Former Methodist Church	254 Neerim Road/ 1A Toolambool Road Carnegie	Amend HO47 to reduce the mapped extent of the Heritage Overlay for 254 Neerim Road/1 and 1A Toolambool Road Carnegie by removing 1 Toolambool Road.
HO98	Former State Savings Bank	438 and 438B Centre Road, Bentleigh	Amend permit triggers for external paint controls for HO98 and insert reference to the Statement of Significance
HO123	Carnegie Railway Station Reserve	Carnegie Railway Station Reserve, Koornang Road, Carnegie	Amend the extent of the mapped area for HO123, amend the name of heritage place within the Statement of Significance from 'Carnegie Railway Station' to 'Carnegie Railway Station Reserve' and amend permit triggers to remove external paint controls.

- 6.7 amend the Schedule 2 to Clause 43.02 Design and Development Overlay (**DDO2**) to remove The Highway in Bentleigh;

- 6.8 amend the Schedule 4 to Clause 43.02 Design and Development Overlay (**DDO4**) to remove the McPherson Avenue Area in Carnegie;
- 6.9 amend Planning Scheme Map 02DDO, by removing the existing DDO4 over land in the McPherson Avenue Area in Carnegie;
- 6.10 amend Planning Scheme Map 03DDO, by removing the existing DDO2 over land in The Highway in Bentleigh;
- 6.11 delete the Schedule to Clause 43.05 Neighbourhood Character Overlay (**NCO1**) to remove The Highway, Bentleigh;
- 6.12 amend the Schedule 2 to Clause 43.05 Neighbourhood Character Overlay (**NCO2**) to remove the McPherson Avenue Area, Carnegie;
- 6.13 amend Planning Scheme Map 03NCO, by removing the Neighbourhood Character Overlay NCO1 over land in The Highway, Bentleigh;
- 6.14 amend Planning Scheme Map 02NCO, by removing the existing NCO2 over land in the McPherson Avenue Area, Carnegie;
- 6.15 amend the Schedule to Clause 72.04 Documents Incorporated in this Planning Scheme to include the Statements of Significance for 15 individual heritage places, 9 heritage precincts and 1 precinct extension; and
- 6.16 amend the Schedule to Clause 72.08 Background Documents to include as background documents:
 - 6.16.1 the Commercial Heritage Review;
 - 6.16.2 the Residential Heritage Review; and
 - 6.16.3 the Former Methodist Church citation.

BACKGROUND TO AMENDMENT

- 7. A chronology of key events relevant to the Amendment forms **Attachment A** to Council's submission.

Previous heritage studies

- 8. In 1996, Mr Andrew Ward prepared the Glen Eira Heritage Management Plan (**HMP**). The document built on work previously undertaken by Mr Ward as part of the City of Caulfield Urban Conservation Study which was commissioned in 1990.
- 9. The HMP identified 19 areas which sought to '...comprehensively demonstrate important eras in the growth of Glen Eira and survive in a reasonably intact state ...' and were recommended for protection as Urban Conservation Areas (**UCA**), now referred to as precincts.¹ The focus of this HMP was residential areas with 16 of the 19 UCAs/precincts identified as being of significance due to their residential use with a mix of Victorian, Federation and Interwar periods represented.
- 10. There was less of a focus on commercial areas, with only four of the 19 UCAs identified as being significant due to commercial use and only one individual heritage overlay eventuated in the Bentleigh and Carnegie Structure Plan areas at a commercial site (438 Centre Road - HO98).²

¹ A Ward, 'Glen Eira Heritage Management Plan: Volume 1', 1996, page 3.

² A Ward, 'Glen Eira Heritage Management Plan: Volume 1', 1996, page 3.

11. Similarly, the individual places identified in the HMP largely date from the Victorian or Federation period and were mostly residential, with only nine of more than 100 identified places dating from the Interwar period of after.
12. There has not been a municipal wide assessment of heritage places since the 1996 study. Some identification and protection of heritage places has been undertaken, but in discrete localities within the City.
13. In 2014, an addendum to the HMP was produced as part of Amendment C113 to the Scheme including a review of two largely residential areas centred on Normanby Road and Urandaline Grove in response to community concerns regarding the potential heritage significance of those areas. The result of the addendum was four new residential heritage overlays:
 - 13.1 HO152 – Normanby Road and Environs Precinct;
 - 13.2 an extension to HO14 – Caulfield North and Environs Heritage Overlay Area;
 - 13.3 HO151 – 4 Urandaline Grove, Caulfield; and
 - 13.4 HO153 – 20 Kambrook Road Caulfield North.
14. In 2017 Council prepared a review of the existing heritage overlay precincts as part of Amendment C149 to the Scheme. This included a review of the contributory ratings of all properties within each heritage precinct. No changes to precinct boundaries were proposed during this process.
15. At present, there are approximately 2,995 separate parcels of land in the Schedule to the Heritage Overlay in the municipality, most of which are included within precinct-based heritage overlays. A lesser number (136 places) are identified as individually significant.
16. These places are largely located within Elsternwick and greater Caulfield within the south and east of the municipality.
17. Carnegie, Bentleigh and Bentleigh East are relatively underrepresented in the heritage overlay at this time.

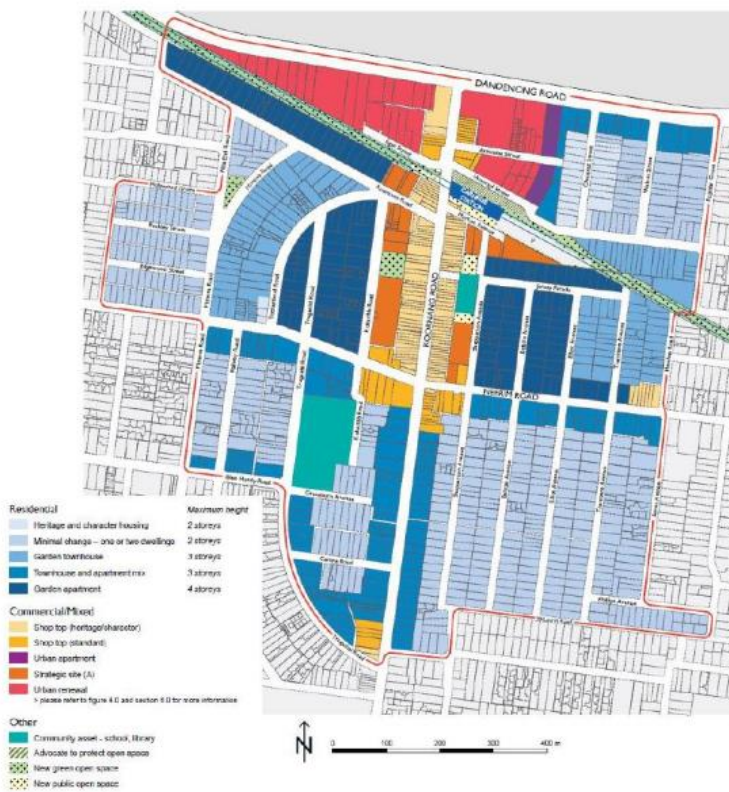
Bentleigh and Carnegie Structure Plan 'areas'

18. At its ordinary meeting of 27 February 2018, Council adopted the Bentleigh, Carnegie and Elsternwick Structure Plan 'areas'. At that meeting it was determined a review of these three structure plan areas ought be undertaken to identify any places with potential heritage significance not currently included in the Heritage Overlay.
19. During the tender process undertaken by Council as part of the procurement of heritage consultants to undertake the expert identification and analysis of fabric and places worthy of protection under the Heritage Overlay, Council determined to separate the Bentleigh and Carnegie Structure Plan areas from the Elsternwick Structure Plan area as a result of the differing nature of the requirements of the latter study area.
20. The structure plan areas are shown below encompassing the main shopping/commercial zones within each suburb together with nearby residential areas. Notably, neither area encompasses the whole of the respective suburbs.

21. The Bentleigh Structure Plan area is shown below:



22. The Carnegie Structure Plan area is shown below:



23. In August 2018 Council commissioned RBA Architects and Conservation Consultants to undertake a full review of the Bentleigh and Carnegie study areas (both residential and commercial). Given the comprehensive nature of the review, Council determined to prioritise and undertake the heritage assessment of the commercial areas first.

Commercial Heritage Review

24. The Commercial Heritage Review was undertaken in two stages, being:

24.1 Stage 1: Preliminary review of potential heritage places within the areas, specifically:

- 24.1.1 a review of the all Bentleigh and Carnegie Commercial Precincts as to determine whether or not they have the potential to reach the threshold for local significance;
 - 24.1.2 summarising the preliminary findings; and
 - 24.1.3 preparing a schedule of places to inform the Stage 2 work. The schedule included an address, note on intactness, date of construction, period and a recommended grading.
- 24.2 Stage 2: Preparation of citations for the recommended heritage places. Specifically, detailed assessments and preparation of citations for the various places, which were resolved to proceed with, after discussions with Council officers.
25. The Commercial Heritage Review ultimately sets out citations for 10 recommended heritage places (nine new and one revised), being both precincts and individual sites within the commercial zones of the Bentleigh and Carnegie Structure Plan areas, being:
- Bentleigh
- 25.1 Grand View Estate Shops: 165-189/189A Centre Road (odd numbers only);
 - 25.2 Centre Arcade: 325 Centre Road;
 - 25.3 Bentleigh Retail Precinct: 248-268 and 354-494 Centre Road (even numbers only);
 - 25.4 Shops, 369-377 Centre Road;
 - 25.5 Former ES& A Bank: 385 Centre Road;
 - 25.6 Former Brighton Gas Company Showrooms: 411 Centre Road;
- Carnegie
- 25.7 Rosstown Hotel: 1084 Dandenong Road;
 - 25.8 Carnegie Retail Precinct: Koornang Road: nos 22 to 166 (evens) and nos 41 to 145 (odds, the latter including 288 Neerim Road); Morton Avenue: no. 1-1B (odds); Rosstown Road: no. 66 and no. 73; and Woorayl Street: nos 2A-8 (evens); and
 - 25.9 Glenhuntly Tram Terminus Estate Shops: 235-251 Koornang Road.
26. Additionally, a review of Carnegie Railway Station (HO123) was undertaken and a new citation was prepared for the reserve only.

Residential Heritage Review

27. The Residential Heritage Review was undertaken in the same two stages as the Commercial Heritage Review.
28. The Residential Heritage Review ultimately sets out citations for 13 recommended heritage places (12 new and one revised), being both precincts and individual sites within the residential zones of the Bentleigh and Carnegie Structure Plan areas, being:

Bentleigh and East Brighton

- 28.1 Alfred Halley Residence - 178 Centre Road, Bentleigh;
- 28.2 Moore Residence - 200 Centre Road, Bentleigh;
- 28.3 Barton Residence - 56 Thomas Street, Brighton East;
- 28.4 Rose Hill Estate Precinct, Bentleigh; and
- 28.5 Bentleigh Heights Estate Precinct (The Highway);
29. In addition, a review of Bentleigh Environs precinct (HO69) was undertaken and a new citation was prepared. In the process, it has been extended at its eastern and western end and renamed the Bentleigh Residential precinct. The period of significance has also been extended to include early Postwar development.

Carnegie

- 29.1 Tyers Residence, 1118 Dandenong Road;
- 29.2 Peradeniya, 24 Elliott Avenue;
- 29.3 The Pines, 181 Koornang Road;
- 29.4 Truro, 185 Koornang Road;
- 29.5 Ida Villa, 234 Neerim Road;
- 29.6 Albert Flatman's Estates Precinct; and
- 29.7 Carnegie Residential Precinct.

Adoption of Reviews and formation of Amendment

30. At its ordinary meeting on 18 December 2018, Council adopted the Commercial Heritage Review.
31. The Commercial Heritage Review was initially proposed to be implemented as part of Planning Scheme Amendment C184 to the Scheme (**Amendment C184glen**), the amendment implementing the Bentleigh and Carnegie Structure Plans.
32. Amendment C184glen proposes changes to the Scheme including some rezonings and the application of new Design and Development Overlays (Schedules 8 and 9) to all land zoned commercial and mixed-use, together with a new local policy at Clause 22.04 'Urban Villages – Bentleigh and Carnegie Activity Centres' (amongst other things).
33. Amendment C184glen has been exhibited and submissions have been received. The next stage in the progress of Amendment C184glen will be a Panel hearing, proposed for March 2021.

34. A different approach was ultimately taken from that first contemplated by the Planning Authority after consultation with the Department of Environment, Land, Water and Planning.
35. The protection of commercial fabric identified as having cultural heritage significance in Bentleigh and Carnegie was extracted from Amendment C184, and merged with the protection of fabric identified as having cultural heritage significance in residential areas (being the Bentleigh and Carnegie residential heritage amendment also forming part of this Amendment before the planning panel).
36. At its ordinary meeting on 9 April 2019, Council resolved to adopt a revision to the proposed Bentleigh Retail Precinct (HO160) – to include an additional section further to the west along Centre Road (nos 248-268). This section came to light when RBA Architects and Conservation Consultants undertook the residential survey forming part of the Residential Heritage Review.
37. At its ordinary meeting on 13 August 2019, Council adopted:
 - 37.1 the Residential Heritage Review; and
 - 37.2 the Former Methodist Church citation.

Ministerial authorisation and interim controls

38. At its ordinary meeting on 13 August 2019, Council also resolved to (among other things):
 - 38.1 seek authorisation from the Minister for Planning (**Minister**) to prepare and exhibit the Amendment;
 - 38.2 subject to receiving authorisation from the Minister for Planning, exhibit the Amendment; and
 - 38.3 request to the Minister to prepare, adopt and approve a planning scheme amendment for interim heritage controls in respect of all proposed heritage areas in the commercial areas of Bentleigh and Carnegie (as defined in Amendments C184glen and C185glen).
39. The Minister has still not approved the interim heritage controls.
40. Interim controls were previously gazetted in respect of HO168 – the Rose Hill Estate Precinct, following receipt of s 29A demolition requests in respect of two properties in the precinct. The control is set to expire on 31 December 2020.
41. Following Council's resolution, on 13 August 2019 Council's officers requested authorisation to prepare the Amendment.
42. On 25 October 2019, the Minister authorised Council preparing and exhibiting the Amendment, with no conditions.

Exhibition and submissions received

43. Council exhibited the Amendment between 30 January to 2 March 2020 in the form of:
 - 43.1 sending letters to owners and occupiers of all affected properties, prescribed authorities and stakeholders;
 - 43.2 notices in the Caulfield/Glen Eira and Moorabbin Leader local newspaper;
 - 43.3 notice of the Amendment in the Government Gazette;
 - 43.4 uploading the Amendment documentation on Council's and the Department's websites.

44. The Amendment documentation as exhibited comprised the following documents:
 - 44.1 the explanatory report;
 - 44.2 the notice of preparation of an amendment;
 - 44.3 the instruction sheet;
 - 44.4 proposed clauses and schedules;
 - 44.5 proposed statements of significance;
 - 44.6 proposed Scheme maps; and
 - 44.7 the Commercial Heritage Review, Residential Heritage Review and Former Methodist Church citation.
45. In response to exhibition, Council received 51 submissions:
 - 45.1 43 submissions objected to the Amendment;
 - 45.2 seven submissions supported to the Amendment; and
 - 45.3 one submission made 'no comment' in respect of the Amendment.
46. Nine of those submissions were received outside the exhibition closing date and constitute 'late' submissions.
47. Council did not convene a planning conference as a result of COVID-19 restrictions. Submitters were however provided with the opportunity to provide any additional comments to their original submissions. Two submitters provided additional comments.

STRATEGIC CONTEXT AND ASSESSMENT

48. This section provides an overview of the Amendment's strategic basis, supplementing the detail set out in the exhibited explanatory report.
49. Council submits the key focus of the Panel with respect to this Amendment (and in response to the submissions received) relates to the requirements of the Heritage Overlay and Planning Practice Note 1 (Applying the Heritage Overlay) (**PPN1**).
50. The PPN1 states the following places should be included in a Heritage Overlay:

Places identified in a local heritage study, provided the significance of the place can be shown to justify the application of the overlay.
51. Importantly, the PPN1 describes the threshold for determining 'local significance' (and as a result, being identified in a local heritage study) as:

...those places that are important to a particular community or locality.
52. The *Advisory Committee Report on the Review of Heritage Provisions in Planning Schemes* (August 2007) (**Advisory Committee Report**) expressed the threshold differently but connoted similar sentiments. It framed the question to be asked as:

...is the place of **sufficient** import that its cultural values should be recognised in the planning scheme and taken into account in decision-making?³

³ Advisory Committee Report, p. xvii.

53. Later in the report, the Committee noted:

...the issue for planning purposes is simply whether a place is of **sufficient** heritage **note** in the local context to warrant planning controls being put in place to ensure that its heritage value is taken into account when development proposals are being considered.⁴

[Emphasis added]

54. In terms of process, the PPN1 goes on to say:

The heritage process leading to the identification of the place needs to clearly justify the significance of the place as a basis for its inclusion in the Heritage Overlay. The documentation for each place shall include a statement of significance that clearly establishes the importance of the place and addresses the heritage criteria.

55. Council submits these are the key matters a Panel ought consider in assessing the Amendment.

56. Importantly, Council submits the methodology adopted in the Commercial Heritage Review and Residential Heritage Review is both thorough and rigorous and accords with the PPN1, together with the drafting of the statements of significance and Schedule to the Heritage Overlay.

57. Council also submits the following policy forms the framework for the Panel's determination in this hearing:

57.1 the 'overarching objective' relating to heritage conservation set out at s 4(1)(d) of the Act:

...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.

57.2 Direction 4.4 of Plan Melbourne (2017-2050) to 'respect our heritage as we build for the future' and Policy 4.4.1 recognising the need for 'continuous identification and review of currently unprotected heritage sites...';

57.3 the Planning Policy Framework at clause 15.03-1S of the Scheme, in particular the overarching objective of ensuring 'the conservation of places of heritage significance' sought to be achieved through strategies including to:

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 which are of, aesthetic, archaeological, architectural, cultural, scientific, or social significance, or otherwise of special cultural value.

...

Ensure an appropriate setting and context for heritage places is maintained or enhanced.

57.4 the focus of the Local Planning Policy Framework in the Scheme on the importance of heritage in the City of Glen Eira, including:

57.4.1 the objective under clause 21.10-2 being 'to identify, protect, enhance and promote understanding of Glen Eira's heritage' through strategies such as:

⁴ Advisory Committee Report, pp 39-40.

- protect places identified as having architectural, cultural or historical significance;
- ensure sympathetic redevelopment and renovation of areas and places identified as having architectural, cultural or historic significance in the municipality; and
- enhance knowledge and popular understanding of Glen Eira's architectural, cultural and historic heritage.

57.4.2 the objectives under clause 22.01 including to:

- protect places identified as having architectural, cultural or historic significance and which demonstrate the various eras of Glen Eira's development; and
- encourage retention, preservation and restoration of all significant and contributory places within the City of Glen Eira;

57.5 'Commitment two' of Council's *Council and Community Plan 2017-2021* being to 'encourage development that benefits the community'. It states Council will "review our heritage places and provide stronger development guidelines to preserve and enhance Glen Eira's heritage buildings and precincts";

57.6 Planning Practice Note 91 (Using the Residential Zones), stating:

It is important to understand the differences between neighbourhood character and heritage.

While all areas have a history or a heritage, not all areas are historically significant. Heritage significance is determined by recognised criteria set by Commonwealth, state and local agencies, with reference to the Burra Charter.

The Heritage Overlay (HO) should be used where the objective is to conserve the existing building or buildings.

...

The application of the HO and underlying residential zoning should be consistent with the strategic intent outlined in the MPS and PPF.

For example, if an area is zoned for housing change, a planning authority must satisfy itself that this is compatible with the conservation of existing buildings otherwise a direct conflict between the purpose of the zone and the overlay will be created making it difficult to interpret and apply the controls.

58. The recognised HERCON criteria for the assessment of heritage values of a heritage place, as set out in the PPN1 are:

- 58.1 Criterion A: Importance to the course or pattern of our cultural or natural history (historical significance).
- 58.2 Criterion B: Possession of uncommon rare or endangered aspects of our cultural or natural history (rarity).
- 58.3 Criterion C: Potential to yield information that will contribute to an understanding of our cultural or natural history (research potential).

- 58.4 Criterion D: Importance in demonstrating the principal characteristics of a class of cultural or natural places or environments (representativeness).
- 58.5 Criterion E: Importance in exhibiting particular aesthetic characteristics (aesthetic significance).
- 58.6 Criterion F: Importance in demonstrating a high degree of creative or technical achievement at a particular period (technical significance).
- 58.7 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).
- 58.8 Criterion H: Special association with the life or works of a person, or group of persons, of importance in our history (associative significance).

Ministerial directions

- 59. The Amendment is consistent with the requirements of the following Ministerial directions:
 - 59.1 Ministerial Direction on the Form and Content of Planning Schemes;
 - 59.2 Ministerial Direction No. 9 - Metropolitan Planning Strategy;
 - 59.3 Ministerial Direction No. 11 – Strategic Assessment of Amendments; and
 - 59.4 Ministerial Direction No. 15 – Planning Scheme Amendments.

KEY ISSUES RAISED IN SUBMISSIONS AND CHANGES TO AMENDMENT

- 60. A detailed summary of, and response to, the submissions received in response to exhibition forms part of Council's meeting agenda dated 21 July 2020.
- 61. The key issues raised in the objecting submissions are summarised as:
 - 61.1 overstating of cultural or architectural heritage significance;
 - 61.2 restricting development opportunities in commercial and residential areas where higher density development is encouraged;
 - 61.3 impacts on property values;
 - 61.4 insufficient public consultation;
 - 61.5 previous alterations, renovations have eroded the character of the area;
 - 61.6 restricting redevelopment opportunities;
 - 61.7 objection to removing 1 Toolambool Road, Carnegie from the Heritage Overlay;
 - 61.8 objection to extent of the HO proposed in respect of 1084 Dandenong Road, Carnegie; and
 - 61.9 objection to 'contributory' grading of 62 Belsize Avenue, Carnegie.

62. Council will respond to these issues in its 'Part B' submission, including with reference to the expert opinions of Mr Hemingway who will give evidence for Council.
63. At its ordinary meeting on 21 July 2020, Council considered the submissions together with the Council officers' response to submissions, resolving to:
- 63.1 consider the submissions received;
 - 63.2 note the summary of submissions received and endorse the planning officers' and heritage consultant's comments/recommendations for the purpose of advocacy before a planning panel; and
 - 63.3 request the Minister to appoint a panel under s 23 of the Act to consider submissions received during the exhibition period and nine late submissions received after the close of the exhibition period.

Changes to Amendment documentation proposed in response to submissions

64. Council pursues the Amendment in accordance with the following 'post-exhibition' changes made in accordance with Council's resolution of 21 July 2020:
- 64.1 correct the grading of the property at 139 Koornang Road, Carnegie to 'contributory' in the statement of significance for the Carnegie Retail Precinct, including in the map (observing it is currently erroneously graded both 'contributory' and non-contributory') (in response to submission no. 8);
 - 64.2 add the following words into the first sentence of the statement of significance for the Carnegie Retail Precinct under the heading 'Why is it Significant?' (in response to submission no. 23):

The Carnegie Retail Precinct is historically significant for the development that occurred primarily during the late Federation and Interwar periods, **as well as the Post WWII period**, as this section of Koornang Road, and the adjacent streets were rapidly transformed into a 'progressive' retail precinct. This change demonstrates the demand for well-served, local shopping areas in the
 - 64.3 add the following words into the statement of significance for the Carnegie Retail Precinct concerning 118 Koornang Road, Carnegie (in response to submission no. 33):

No 118: two storey, tuck-pointed brick (overpainted), smooth rendered piers, roughcast rendered parapet with central arched pediment and festoon, hood over window. Window altered, probably had been box-framed.
 - 64.4 add the following words into the statement of significance for the Carnegie Retail Precinct concerning 120 Koornang Road, Carnegie (in response to submission no. 34):

No. 120: two storey, smooth rendered piers, roughcast rendered parapet, altered window but opening intact with rendered hood over.
 - 64.5 insert 154A Koornang Road, Carnegie into the list of 'non-contributory places' in the statement of significance for the Carnegie Retail Precinct (while 154 Koornang Road, Carnegie remains in the list of 'contributory places') (in response to submission nos. 25 and 48);
 - 64.6 amend the grading of the property at 62 Belsize Avenue, Carnegie to 'non-contributory' in the statement of significance for the Albert Flatman's Estates Precinct (in response to submission no. 47); and

- 64.7 modify the extent of Heritage Overlay applying to the land at 1084 Dandenong Road, Carnegie (HO157) in the manner shown in the amended planning scheme map forming **Attachment B** to this submission and inserting the following text in column 2 of the Schedule to Clause 43.01 (Heritage Overlay) in the column 'Heritage place' (in response to submission no. 46):

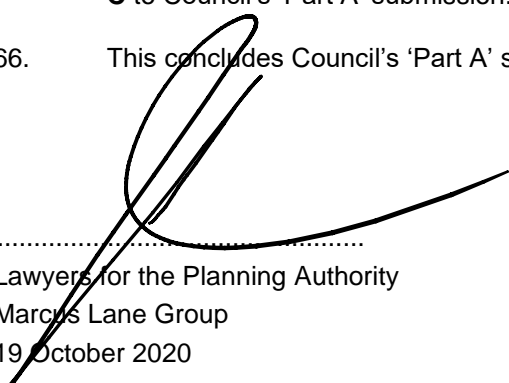
The heritage place comprises the original fabric of the Rosstown Hotel (including the roof overhang with rainwater goods (downpipes and rainwater heads) and balconies to the street facades of Dandenong Road and Koornang Road, Carnegie) and a curtilage extending for a distance of five metres to the west and south from the terracotta tile clad roof sections of the original fabric of the Rosstown Hotel.

- 64.8 the following minor modifications to construction dates:

- 64.8.1 Carnegie Residential Precinct (HO178): correct the construction date of 9 Milton Street on page 14 of the citation to 1918 (instead of during the 1920s).
- 64.8.2 Carnegie Retail Precinct (HO158): correct the construction date of 99A-101A Koornang Road on page 15 of the citation to 1936 (instead of circa 1940).

65. Additionally, since exhibiting the Amendment Council has observed HO168 – Rose Hill Estate Precinct was inadvertently omitted from exhibited planning scheme map 3HO. The Precinct was included in all other exhibition material, including in the proposed Schedule to the HO together with the proposed statement of significance. A revised planning scheme map 3HO forms **Attachment C** to Council's 'Part A' submission.

66. This concludes Council's 'Part A' submission.



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Lawyers for the Planning Authority
Marcus Lane Group
19 October 2020

ATTACHMENT A – CHRONOLOGY OF KEY EVENTS

Date	Event
27 February 2018	<ul style="list-style-type: none"> ▪ At its ordinary meeting, Council adopted the Bentleigh, Carnegie and Elsternwick Structure Plan 'areas'. At that meeting it was determined a review of these three structure plan areas ought be undertaken to identify any places with potential heritage significance not currently included in the Heritage Overlay
August 2018	<ul style="list-style-type: none"> ▪ Council commissioned RBA Architects and Conservation Consultants to undertake a full review of the Bentleigh and Carnegie study areas (both residential and commercial). Given the comprehensive nature of the review, Council determined to prioritise and undertake the heritage assessment of the commercial areas first
18 December 2018	<ul style="list-style-type: none"> ▪ At its ordinary meeting, Council adopted the Commercial Heritage Review ▪ The Commercial Heritage Review was initially proposed to be implemented as part of Planning Scheme Amendment C184 to the Scheme (Amendment C184), the amendment implementing the Bentleigh and Carnegie Structure Plans. ▪ However, the heritage component was extracted from Amendment C184 and later merged with the Bentleigh and Carnegie residential heritage amendment (being the Amendment subject of this planning panel).
13 August 2019	<ul style="list-style-type: none"> ▪ At its ordinary meeting on 13 August 2019, Council resolved to: <ul style="list-style-type: none"> - adopt the Residential Heritage Review and the Former Methodist Church citation; - seek authorisation from the Minister for Planning (Minister) to prepare and exhibit the Amendment; - subject to receiving authorisation from the Minister for Planning, exhibit the Amendment; and - request to the Minister to prepare, adopt and approve a planning scheme amendment for interim heritage controls in respect of all proposed heritage areas in the commercial areas of Bentleigh and Carnegie (as defined in Amendments C184glen and C185glen).
17 September 2019	<ul style="list-style-type: none"> ▪ Council's officers requested authorisation to prepare the Amendment
25 October 2019	<ul style="list-style-type: none"> ▪ The Minister authorised Council preparing and exhibiting the Amendment
30 January – 2 March 2020	<ul style="list-style-type: none"> ▪ Council exhibited the Amendment.
21 July 2020	<ul style="list-style-type: none"> ▪ At its ordinary meeting on 21 July 2020, Council considered the submissions together with the Council officers' response to

	<p>submissions, resolving to:</p> <ul style="list-style-type: none"> - consider the submissions received; - note the summary of submissions received and endorse the planning officers' and heritage consultant's comments/recommendations for the purpose of advocacy before a planning panel; and - request the Minister to appoint a panel under s 23 of the Act to consider submissions received during the exhibition period and nine late submissions received after the close of the exhibition period.
18 August 2020	<ul style="list-style-type: none"> ▪ Directions hearing
27 October 2020	<ul style="list-style-type: none"> ▪ Panel hearing starts

ATTACHMENT B – MAP SHOWING PROPOSED EXTENT OF HO157



ATTACHMENT C – CORRECTED 3HO MAP INCLUDING HO168 – ROSE HILL ESTATE PRECINCT

