



GLEN EIRA
CITY COUNCIL

Amendment C214 to the Glen Eira Planning Scheme

Council Submission: Part A

16/7/21

BENTLEIGH

BENTLEIGH EAST

BRIGHTON EAST

CARNEGIE

CAULFIELD

ELSTERNWICK

GARDENVALE

GLEN HUNTLY

MCKINNON

MURRUMBEENA

ORMOND

ST KILDA EAST

INTRODUCTION

1. Glen Eira City Council (**Council**) is the Planning Authority for Amendment C214glen (**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 23 June 2021 (**Directions**).
3. This submission addresses the following matters in accordance with direction 3 of the Directions:
 - 3.1 background to the Amendment including chronology of events
 - 3.2 strategic context and assessment
 - 3.3 issues identified in submissions
 - 3.4 any suggested changes to the Amendment in response to submissions
4. In addition to this submission, at the hearing listed to start on 26 July 2021 via videoconference, Council will:
 - 4.1 present its 'Part B' submissions; and
 - 4.2 rely on the peer review to the *City of Glen Eira Thematic Environmental History (Refresh) 2020* provided by Anita Brady Heritage.
5. The Amendment proposes to implement the recommendations of the *City of Glen Eira Post-War and Hidden Gems Heritage Review 2020, Stage 2: Citations* by introducing the Heritage Overlay to four (4) proposed heritage precincts and thirty-four (34) proposed individual heritage places.
6. The Amendment also seeks to implement municipal wide heritage methodologies by including the *City of Glen Eira Thematic Environmental History (Refresh) 2020* as a Background Document within the Scheme.

Specifically, the Amendment seeks to:

- 6.1 Amend the Municipal Strategic Statement at Clause 21.10-2 (Heritage) and the local Heritage Policy at Clause 22.01-6 to remove reference to the Heritage Management Plan Volume 1 and to include the *City of Glen Eira Thematic Environmental History (Refresh) 2020* and *City of Glen Eira Post-war and Hidden Gems Heritage Review 2020, Stage 2: Citations* as reference documents to these clauses. Reference to heritage reviews completed over time has been removed from the body of both policies.
- 6.2 Amend the Schedule to Clause 43.01 (Heritage Overlay) and Maps 1HO, 2HO and 3HO to apply the Heritage Overlay to the following new places and precincts:

HO Number	Description of Place	Properties included in HO
HO204	Duplex	325/325a Bambra Road, Caulfield South
HO205	Olgita - flats	440 Dandenong Road, Caulfield North
HO206 External paint controls applied	Shops	158-166 Hawthorn Road, Caulfield North
HO207	Houses (pair)	195-197 Hawthorn Road, Caulfield North
HO208	Linden Flats	575 Inkerman Road, Caulfield North
HO209	Meldrum House (former)	35 Labassa Grove, Caulfield North
HO210	Flats	1 Lockerbie Court, St Kilda East
HO211	Bundara - house	475 Neerim Road, Murrumbeena
HO212	Clarence Lodge - house	58 Norwood Road, Caulfield North
HO213	Orrong Court - flats	213 Orrong Road, St Kilda East
HO214	Craigellachie Flats	273 Orrong Road, St Kilda East
HO215	St Elmo - house	133 Tucker Road, Bentleigh
HO216	House	335 Alma Road, Caulfield North
HO217	House	386 Alma Road, Caulfield North
HO218	House	30 Aroona Road, Caulfield North
HO219	Greyfriars - flats	53 Balaclava Road, Caulfield North
HO220	House	64 Balaclava Road, Caulfield North
HO221	Flats	124 Balaclava Road, Caulfield North
HO222	House	16 Cantala Avenue, Caulfield North
HO223 Internal alteration controls applied	St John's Anglican Church	624 Centre Road, Bentleigh East
HO224	House	14-16 Clee Street, McKinnon
HO225	House	2 Edinburgh Avenue, Caulfield
HO226	House	23 Edinburgh Avenue, Caulfield
HO227	Popper House & Gordonlea Flats	61-63 Gordon Street, Elsternwick
HO228	House	30 Griffiths Street, Caulfield South
HO229	St Margaret's Presbyterian Church	106 Hotham Street, St Kilda East

HO230	House	6 Keeron Street, Caulfield South
HO231	Robert Lodge - flats	218 Kooyong Road, Caulfield
HO232	House	6 Labassa Grove, Caulfield North
HO233 Internal alteration controls applied	House	40 Lumeah Road, Caulfield North
HO234 Internal alteration controls applied	House	82 Lumeah Road, Caulfield North
HO235	Murrumbeena Baptist Church	44 Murrumbeena Road, Murrumbeena
HO236	Fountain Court - flats	70 Orrong Crescent, Caulfield North
HO237	House	49 Rosemont Avenue, Caulfield North
HO238	Aroona Road Modernist Precinct	Aroona Road, Caulfield North: 43, 45, 47, 49
HO239	Wimbledon Estate Precinct	Alexandra Street, St Kilda East: 1/8, 2/8 Bickhams Court, St Kilda East: 1, 1a, 3, 4, 9 Wimbledon Court, St Kilda East: 2
HO240	Findon Avenue Precinct	Findon Avenue, Caulfield North: 2, 4, 6, 8, 10, 12, 14, 16
HO241	Grimwade Court Precinct	Grimwade Court, Caulfield North: 1-6

6.3 Amend the Schedule to Clause 72.04 (Documents Incorporated in this Planning Scheme) to include the Statements of Significations for the proposed 34 individual heritage places and 4 heritage precincts;

6.4 Amend the Schedule to Clause 72.08 (Background Documents) to include the following as background documents:

6.4.1 *City of Glen Eira Thematic Environmental History (Refresh) 2020*

6.4.2 *City of Glen Eira Post-War and Hidden Gems Heritage Review 2020, Stage 2: Citations*

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 Conservations Areas (**UCA**), now referred to as precincts.
10. Similarly, individual places identified in the HMP largely date from the Victorian or Federation period, with only nine or more than 100 identified places dating from the Inter-war period and none identified (at that time of completion) from the Post-war period.
11. There has not been a municipal wide assessment of heritage places since the 1996 study. Some identification and protection of heritage places in the Caulfield/Caulfield North area occurred in 2014 (Amendment C113) and the result was four additional residential heritage overlays:
 - 11.1 HO152 – Normanby Road and Environs Precinct;
 - 11.2 extension to HO14 – Caulfield North and Environs;
 - 11.3 HO151 - 4 Urandaline Grove; Caulfield; and
 - 11.4 HO153 - 20 Kambrook Road, Caulfield North.
12. In 2017 Council prepared a review of both the Heritage Policy at Clause 22.01 and 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 time.
13. In April 2018, Council received approval from the Minister for Planning to include ‘Lind House’ at 450 Dandenong Road, Caulfield North within the Heritage Overlay (HO155). Lind House is Council’s second Post-war residential property to be included within the Heritage Overlay after the Fooks House at 32 Howitt Road, Caulfield North (HO150). Both properties are listed on the Victorian Heritage Register after Lind House was approved for registration in May 2018.
14. The 2018 Planning Scheme Review workplan contained a number of future heritage projects to be undertaken by Council. This Review was adopted by Council on 16 October 2018. Heritage projects include (note: some of these projects were already underway at the time of adoption of the workplan):
 - 14.1 Heritage Review of Bentleigh and Carnegie Activity Centre
 - 14.2 Heritage Review of Elsternwick Activity Centre
 - 14.3 Heritage Review of 'Hidden Gems' and Caulfield Station Precinct

- 14.4 Heritage Review - Suburb by suburb
 - 14.5 ABC Gordon Street Studio Planning Scheme Amendment
15. The above projects have all been commenced and are in various stages of completion as follows:
- 15.1 The Bentleigh and Carnegie Structure Plan Areas Heritage Reviews are completed and Planning Scheme Amendment C190glen, which proposes to implement the findings of these reviews, has been adopted by Council and forwarded to the Minister for Planning for approval after a favourable Panel Report;
 - 15.2 The Elsternwick Structure Plan Area Heritage Review has been completed and Planning Scheme Amendment C204glen, which proposes to implement some of the findings of the adopted report, has recently completed the public exhibition process;
 - 15.3 The “Hidden Gems” heritage review was re-named the Post-War and Hidden Gems Heritage Review and is the subject of this current Amendment. A Heritage Review of Caulfield Station Precinct is a separate project which is currently being finalised;
 - 15.4 The suburb by suburb heritage reviews of the municipality have commenced with the suburbs of Caulfield East and Glen Huntly being finalised; and
 - 15.5 Planning Scheme Amendment C182glen which proposed to include the ABC Gordon Street Studios into the Heritage Overlay (HO155) was approved on 20 March 2020.
16. In addition to the above heritage projects, Planning Scheme Amendment C197glen, which proposed to include the Field Street Precinct (HO188) within the Heritage Overlay, was approved by the Minister on 10 June 2021.
17. Murrumbeena Village Precinct (HO187), which was assessed as part of the City of Glen Eira Post-War and Hidden Gems Heritage Review, was undertaken as a separate amendment process. Planning Scheme Amendment C201glen was approved by the Minister for Planning on 14 January 2021.

The review of Glen Eira’s Thematic Environmental History

- 18. Council’s existing environmental history, the *Heritage Management Plan 1996, Volume 1 (HMP Vol. 1)*, prepared by A Ward and Associates is now over two (2) decades old.
- 19. At the planning stage of the Post-War and Hidden Gems project, it became apparent the existing thematic history of Glen Eira – HMP Vol. 1 lacked detail in relation to development themes particularly relating to Post-war history. The HMP Vol. 1 was written in the 1990s and set out the development of Glen Eira up until the end of the Inter-war period with limited Post-war details.

20. Council engaged Built Heritage Pty Ltd in February 2019 to undertake a high level review of the HMP Vol. 1 to gain an understanding of work that would be required to bring this document up to today's standards in terms of current best practice as well as inclusion of relevant historic information that was found lacking.
21. The review of the existing HMP Vol. 1 concluded: *The high level review demonstrates that, although Ward's environmental history provides excellent coverage of many sub-themes in the development of the City of Glen Eira, other sub-themes have been covered in considerably less details and others have not been covered at all. In order to address these gaps, supplementary text will need to be prepared. The following might be prioritised:*
 - 21.1 More extensive coverage of post-WW2 thematic manifestations in general (across all sub-themes);
 - 21.2 Coverage of the major but hitherto overlooked sub-theme of Jewish/European migrant communities (which resonates across other sub-themes such as religion, retailing, education, memorials, etc);
 - 21.3 More extensive coverage of the major themes of retailing, education, religion, sporting and recreation;
 - 21.4 Some additional coverage (albeit not as extensive) of minor themes including health and welfare, hotels, memorials, law and order, community organisations, utilities and artistic pursuits/distinction.
22. Importantly, most of the text from the original HMP Vol. 1 was proposed to be re-organised from its current chronological order and into a new thematic framework based on *Victoria's Framework of Historic Themes* which has been adopted as the industry standard and what is now referred to as a Thematic Environmental History (**TEH**). This framework comprises eight major themes, each with a number of specific sub-themes, covering virtually every endeavour of human interaction that might play a part in the shaping of the physical environment of the municipality.
23. A TEH is not expected to be a complete and comprehensive history of development of the municipality but more of an overview from which further specific research in to places and precincts can be undertaken if they are considered to demonstrate one or more themes within the document.
24. Built Heritage Pty Ltd were engaged in by Council in July 2019 to undertake the 'refresh' of the HMP Vol. 1 in line with outcomes of the high-level review of this document. The completed document is known as the *City of Glen Eira Thematic Environmental History (Refresh) 2020*, which was adopted by Council on 11 August 2020.

The Post-war and Hidden Gems Heritage Review

25. In February 2019, Council engaged Built Heritage Pty Ltd to undertake the Post-War and Hidden Gems Heritage Review. The aim of this project seeks to identify and protect some of the most outstanding heritage sites within the municipality (currently not protected), including underrepresented architectural buildings styles/periods.
26. The Consultant was required to:
 - 26.1 Compile a list of post-WW2 place of potential heritage significance relying principally on desktop research as well as places nominated by others (including Council staff, Glen Eira Historical Society and members of the public); and
 - 26.2 Review an existing list of pre-WW2 places of potential heritage significance (nicknamed “Hidden Gems”) which had been nominated by Council staff, the Glen Eira Historical Society and members of the public.
27. The draft *City of Glen Eira Post-War and Hidden Gems Heritage Review 2020 Stage 2: Citations* (February 2020) was released for pre-amendment consultation in January 2020. This report comprised the methodology behind the project as well as citations for 43 individual places and five precincts. Places and precincts proposed for heritage protection range from the Victorian to Post-war periods with the majority of buildings dating from the late 1930s to 1970 (mid-century modern architecture).
28. Two individual places and one precinct included within this draft report were subject to separate planning scheme amendment processes. S29A building demolition requests prompted the need for early intervention for the following places/precinct:
 - 28.1 Murrumbeena Village Precinct (HO188) – this precinct was approved for heritage protection by the Minister for Planning on 14 January 2021 (Amendment C201); and,
 - 28.1 380 Dandenong Road, Caulfield North and 15 Rockbrook Road, St Kilda East formed part of Planning Scheme Amendment C207glen which was abandoned by Council on 22 September 2020.
29. During pre-amendment consultation of the Consultant’s report, Council received fifty-two submissions including nine submissions generally in support of the proposed heritage overlays and 43 objecting to future heritage controls for places nominated within the report.
30. Due to an objection relating to personal details included within the citations, Councillors requested the Consultant to remove identifying details of property owners and their families unless these details were pertinent to the reasoning behind the selection of the site for heritage protection. This was completed.

Adoption of Reviews and formation of Amendment

31. At its ordinary meeting on 11 August 2020, the following was resolved the following:
- 31.1 notes the pre-amendment consultation submissions received in relation to the draft *Post-War and Hidden Gems Heritage Review Citations*;
 - 31.2 adopts the *City of Glen Eira Post-War and Hidden Gems Heritage Review 2020, Stage 2: Citations* Report in accordance with the attached document which includes changes noted in Attachment 3 and removal of the following places from the adopted document and future amendment documentation for C214glen:
 - i. PW03 27 Aroona Road, Caulfield North
 - ii. PW08 Lido Chambers, 219-229 Balaclava Road, Caulfield North
 - iii. PW11 780 Centre Road, Bentleigh East
 - iv. PW18 Caulfield Synagogue, 572-4 Inkerman Road, Caulfield North
 - v. PW22 30 Loch Avenue, St Kilda East
 - vi. PW24 58 Lumeah Road, Caulfield North
 - vii. PW29 Kadimah Cultural Centre, 7 Selwyn Street, Elsternwick
 - 31.3 adopts the *City of Glen Eira Thematic Environmental History (Refresh) 2020* as Council's revised thematic environmental history (replacing the Heritage Management Plan 1996 Volume 1);
 - 31.4 seeks authorisation from the Minister for Planning to prepare and exhibit Planning Scheme Amendment C214glen to implement the adopted recommendations of the *City of Glen Eira Post-War and Hidden Gems Heritage Review 2020, Stage 2: Citations*, to include the *City of Glen Eira Thematic Environmental History (Refresh) 2020* as a Background Document and to remove the *Heritage Management Plan 1996 Volume 1* from the Glen Eira Planning Scheme;
 - 31.5 authorises the Manager City Futures to undertake minor changes to the Amendment, including changes requested by the Minister for Planning or the Department of Environment, Land, Water and Planning to receive authorisation, where the changes do not effect the purpose or intent of the Amendment; and,
 - 31.6 subject to receiving authorisation from the Minister for Planning, places the Amendment on public exhibition for a period of at least one month.
32. The *City of Glen Eira Post-War and Hidden Gems Heritage Review, Stage 2: Citations* was thereafter amended in accordance with Council's resolution and dated 20 August 2020.

Ministerial authorisation

33. Following Council's resolution of 20 August 2020, Council officers requested authorisation to prepare the Amendment on 8 September 2020.

34. On 18 September 2020, DELWP authorised Council to prepare and exhibit the Amendment subject to the following conditions:
- 34.1 Revise proposed Clause 21.10 to include the proposed reference documents;
 - 34.2 Revise proposed Clause 72.08 to ensure the background documents are referred to in both Clauses 21.10 and 22.01; and,
 - 34.3 Revise the draft Amendment C214glen Explanatory Report, as marked up by DELWP, which was emailed to Council officers separately.

Exhibition and submissions received

35. Council exhibited the Amendment between 29 October to 30 November 2020 in the form of:
- 35.1 sending letters to owners and occupiers of all affected properties, prescribed authorities and stakeholders;
 - 35.2 notice in the Age newspaper and the Glen Eira News;
 - 35.3 notice of the Amendment in the Government Gazette; and,
 - 35.4 uploading the Amendment documentation on Council's and the Department's website.
36. The Amendment documentation as exhibited comprised the following documents:
- 36.1 the explanatory report;
 - 36.2 the notice of preparation of an amendment;
 - 36.3 the instruction sheet;
 - 36.4 proposed clauses and schedules, specifically Clause 21.10-2, Clause 22.01-6, the Schedule to Clause 43.01, the Schedule to Clause 72.04 and the Schedule to Clause 72.08;
 - 36.5 proposed planning scheme maps, specifically Maps 1HO, 2HO and 3HO;
 - 36.6 proposed statements of significance;
 - 36.7 *City of Glen Eira Post-War and Hidden Gems Heritage Review 2020, Stage 2: Citations*; and
 - 36.8 *City of Glen Eira Thematic Environmental History (Refresh) 2020*.

37. The following specific requirements were 'turned on' within the Schedule to the Heritage Overlay at Clause 43.01:
 - 37.1 Internal alterations control for 40 Lumeah Road (HO223), 82 Lumeah Road (HO234) and 624 Centre Road (HO223); and
 - 37.2 External paint controls for 158-166 Hawthorn Road (HO206).
38. In response to exhibition, Council received nineteen (19) submissions.
39. An opportunity to submitters to discuss their concerns with Council (internally described by Council as a "Planning Conference") was held on 17 December 2020 via Zoom. Fourteen (14) submitters attended and spoke to the objections and supported aspects of the Amendment. The main concerns raised at the Planning Conference relating to decreasing property values, restrictions on the ability to alter buildings, claims that certain properties did not fit the criteria for local heritage significance or the significance of the place was overstated, concerns regarding the accuracy of the report, issues of privacy and copyright.
40. To safeguard against the possibility of any confusion between the informal engagement process in early 2020 and the formal exhibition process in late 2020, at its ordinary meeting on 2 February 2021, made a resolution that set out steps for further community consultation including:
 - 40.1 deferring consideration of the submissions received in response to exhibition and requesting officers to write to all 19 submitters advising them of the deferment;
 - 40.2 a direction to officers to write to each of the people who responded to the informal (pre amendment) consultation asking them whether they wish to make a late submission as part of the formal exhibition process and advising them that late submissions will be accepted; and
 - 40.3 requesting a further report from officers following receipt of any further submissions, together with the officer response to those submissions, for Council's consideration and a recommended resolution on the next step in the amendment process.
41. On 10 February 2021, Council officers wrote to 28 people who had responded to the pre-amendment consultation. Those people had either not made a submission during the formal exhibition process or were an original submitter whose property had been removed as part of the 20 August 2020 Council resolution. These people were advised that if they wished to make a submission as part of the formal exhibition of the Amendment, any submission would need to be received to Council by 10 March 2021.
42. Council received a further five (5) submissions.
43. Of the twenty-four (24) total submissions (19 within the exhibition period, 5 following further advertising of the Amendment):

- 43.1 21 submissions objected to the Amendment;
- 43.2 2 submissions supported the Amendment; and,
- 43.3 1 submission made 'no comment' in respect of the Amendment.
44. The five (5) submissions that were made following further notice of the Amendment were received outside the formal exhibition closing date of 30 November 2020 and constitute 'late' submissions.
45. The majority of objecting submissions received related to one of the following places or precincts:
- | | |
|-------------------------------------|---|
| 335 Balacalva Road | 2 and 4 Findon Avenue (Findon Ave Precinct) |
| 624 Centre Road (Church) | 49 Rosemont Avenue |
| 1,3,4 & 6 Gramwade Court (Precinct) | 58 Norwood Road |
| 30 Griffiths Street | 61-63 Gordon Street |
| 197 Hawthorn Road | 124 Balaclava Road |
| 30 Aroona Road | 44 Murrumbeena Road (Baptist Church) |
| 82 Lumeah Road | 40 Lumeah Road |
| 64 Balaclava Road | 53 Balaclava Road |
| 2/8 Alexandra Street | 3 Bickhams Court (Wimbledon Estate) |
46. No formal submissions were received from the remaining 20 individual properties or properties within one precinct (Aroona Road Precinct).
47. At Council's ordinary meeting on 27 April 2021, Council resolved to:
- 47.1 consider the submissions received, including late submissions received up until 10 March 2021;
- 47.2 request the Minister for Planning to appoint a Planning Panel to consider submissions received during the exhibition period for the Amendment and the late submissions received until 10 March 2021 – in accordance with section 23 of the Planning and Environment Act 1987; and,
- 47.3 for the purpose of advocacy before a planning panel, note Council's intention of abandoning the application of the heritage overlay to following places and precincts:
- a) 195-197 Hawthorn Road, Caulfield North
 - b) 58 Norwood Road, Caulfield North
 - c) 53 Balaclava Road, Caulfield North
 - d) 124 Balaclava Road, Caulfield North
 - e) 61-63 Gordon Street, Elsternwick
 - f) 40 Lumeah Road, Caulfield North
 - g) 44 Murrumbeena Road, Murrumbeena
 - h) Wimbledon Estate Precinct, St Kilda East

- i) Grimwade Court Precinct, Caulfield North
- j) 335 Alma Road, Caulfield North
- k) 30 Aroona Road, Caulfield North
- l) 64 Balaclava Road, Caulfield North
- m) 624 Centre Road, Bentleigh East
- n) 30 Griffiths Street, Caulfield South
- o) 82 Lumeah Road, Caulfield North
- p) 49 Rosemont Avenue, Caulfield North
- q) Findon Avenue Precinct, Caulfield North

Strategic Context and Assessment

48. This section provides an overview of the Amendment’s strategic basis, supplementing the detail set out in the exhibition Explanatory Report.
49. Council submits the key focus of the Panel with respect to this Amendment 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’ (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?¹*

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.²*

[Emphasis added]

¹ Advisory Committee Report, p.xvii.

² Advisory Committee Report, pp39-40.

54. In terms of process, the PPN1 goes on to say:
- The heritage process leading to the identification of the places needs to clearly justify the significance of the places 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 to consider in assessing the Amendment.
56. Importantly, Council submits the methodology adopted for the Post-War and Hidden Gems Heritage Review is both thorough and rigorous and accords with the PPN1, together with the drafting of statements of significance and the Schedule to the Heritage Overlay.
57. Additionally Council submits the *City of Glen Eira Thematic Environmental History (Refresh) 2020* is consistent with the 'Guidelines for Thematic Environmental Histories', which is included within the 'Model Consultants Brief for Heritage Studies', January 2010.
58. This document uses and appropriately adopts 'Victoria's Framework of Historical Themes'.
59. Citations within the Post-War and Hidden Gems Review reference sections of the *City of Glen Eira Thematic Environmental History (Refresh) 2020* that relate to each particular place or precinct.
60. Council also submits the following policy forms the framework for the Panel's determination in this hearing:
- 60.1 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.*
- 60.2 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...';
- 60.3 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.*

...

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

- 60.4 the focus of the Local Planning Policy Framework in the Scheme on the importance of heritage in the City of Glen Eira, including:
- 60.4.1 the objective under clause 21.10-02 being ‘to identify, protect, enhance and promote understanding of Glen Eira’s heritage’ through strategies such as:
- 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.
- 60.4.2 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;
- 60.5 ‘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’;
- 60.6 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.

61. The recognised HERCON criteria for the assessment of heritage values of a heritage place, as set out in the PPN1 are:
- 61.1 Criterion A: Importance to the course or pattern of our cultural and natural history (historical significance);
 - 61.2 Criterion B: Possession of uncommon, rare or endangered aspects of our cultural or natural history (rarity);
 - 61.3 Criterion C: Potential to yield information that will contribute to an understanding of our cultural or natural history (research potential);
 - 61.4 Criterion D: Importance in demonstrating the principal characteristics of a class of cultural or natural places or environments (representativeness);
 - 61.5 Criterion E: Importance in exhibiting particular aesthetic characteristics (aesthetic significance);
 - 61.6 Criterion F: Importance in demonstrating a high degree of creative or technical achievement at a particular period (technical significance);
 - 61.7 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);
 - 61.8 Criterion H: Special association with the life or works of a person, or a group of persons, of importance in our history (associative significance).

Ministerial directions

62. The Amendment is consistent with the requirements of the following Ministerial directions:
- 62.1 Ministerial Direction on the Form and Content of Planning Schemes;
 - 62.2 Ministerial Direction No. 9 – Metropolitan Planning Strategy;
 - 62.3 Ministerial Direction No. 11 – Strategic Assessment of Amendments; and
 - 62.4 Ministerial Direction No. 15 – Planning Scheme Amendments.

KEY ISSUES RAISED IN SUBMISSIONS AND CHANGES TO AMENDMENT

63. A detailed summary of, and response to, the submissions received (up until 10 March 2021) in response to exhibition forms part of Council’s meeting agenda dated 27 April 2021.
64. The key issues raised in the objecting submissions are summarised as:

- 64.1 overstating of cultural or architectural heritage significance;
 - 64.2 restricting re-development potential, including in areas where higher density is encouraged;
 - 64.3 economic impacts on property owners/impacts on property values;
 - 64.4 Council must retain heritage that is widely recognised and admired by the broader community;
 - 64.5 previous alterations, renovations have altered the character of the place or precinct;
 - 64.6 perceived errors within citations;
 - 64.7 request for increased external paint controls;
 - 64.8 individually significant properties located within precincts – should they have their own individual heritage overlay?
 - 64.9 the issue of citations referring to the proposed Thematic Environmental History which is not yet approved as Background Document within the Glen Eira Planning Scheme;
 - 64.10 The TEH discusses houses of the 1950s/60s/70s and no information or supporting references are provided to support inclusion of 40 Lumeah Road.
65. Further issues were raised during submissions which relate to breach of privacy and copyright.
66. At its ordinary meeting on 27 April 2021, Council considered the submissions together with the Heritage Consultant and Council officers' response to submissions, resolving to:
- 66.1 consider the submissions received, including late submissions received up until 10 March 2021;
 - 66.2 request the Minister for Planning to appoint a Planning Panel to consider submissions received during the exhibition period for the Amendment and the late submissions received until 10 March 2021 – in accordance with section 23 of the Planning and Environment Act 1987; and,
 - 66.3 for the purpose of advocacy before a planning panel, note Council's intention of abandoning the application of the heritage overlay to following places and precincts:
 - a) 195-197 Hawthorn Road, Caulfield North
 - b) 58 Norwood Road, Caulfield North
 - c) 53 Balaclava Road, Caulfield North
 - d) 124 Balaclava Road, Caulfield North
 - e) 61-63 Gordon Street, Elsternwick
 - f) 40 Lumeah Road, Caulfield North

- g) 44 Murrumbeena Road, Murrumbeena
- h) Wimbleton Estate Precinct, St Kilda East
- i) Grimwade Court Precinct, Caulfield North
- j) 335 Alma Road, Caulfield North
- k) 30 Aroona Road, Caulfield North
- l) 64 Balaclava Road, Caulfield North
- m) 624 Centre Road, Bentleigh East
- n) 30 Griffiths Street, Caulfield South
- o) 82 Lumeah Road, Caulfield North
- p) 49 Rosemont Avenue, Caulfield North
- q) Findon Avenue Precinct, Caulfield North

Changes to Amendment documentation proposed in response to Council's resolution

- 67. Council pursues the Amendment in accordance with 'post-exhibition changes' proposed in accordance with Council's resolution of 27 April 2021 - namely the intention to remove the aforementioned places and precincts from the Amendment after the Panel Report is received and prior to adopting the remainder of the Amendment.
- 68. This concludes Council's 'Part A' submission.



JACQUI BRASHER
PRINCIPAL STRATEGIC PLANNER
GLEN ERIA CITY COUNCIL
16 July 2021

ATTACHMENT A – CHRONOLOGY OF KEY EVENTS

DATE	EVENT
February 2019	Council commissioned Built Heritage Pty Ltd to undertake a high level review of the Glen Eira Heritage Management Plan Vol 1 (Council’s original thematic history)
February 2019	Council commissioned Built Heritage Pty Ltd to undertake the Post-War and Hidden Gems Heritage Review.
July 2019	Council commissioned Built Heritage Pty Ltd to prepare the <i>City of Glen Eira Thematic Environmental History (Refresh) 2020</i> .
30 January – 4 March 2020	Council undertook pre-amendment consultation of the <i>City of Glen Eira Post-War and Hidden Gems Heritage Review, Stage 2: Citations</i>
Mid 2020	Taking in to account Submissions received, Council requested Built Heritage Pty Ltd to remove person details.....
20 August 2020	<p>At its ordinary meeting, Council resolved the following:</p> <ul style="list-style-type: none"> ▪ notes the pre-amendment consultation submissions received in relation to the draft <i>Post-War and Hidden Gems Heritage Review Citations</i>; ▪ adopts the <i>City of Glen Eira Post-War and Hidden Gems Heritage Review 2020, Stage 2: Citations</i> Report in accordance with the attached document which includes changes noted in Attachment 3 and removal of the following places from the adopted document and future amendment documentation for C214glen: <ul style="list-style-type: none"> i. PW03 27 Aroona Road, Caulfield North ii. PW08 Lido Chambers, 219-229 Balaclava Road, Caulfield North iii. PW11 780 Centre Road, Bentleigh East iv. PW18 Caulfield Synagogue, 572-4 Inkerman Road, Caulfield North v. PW22 30 Loch Avenue, St Kilda East vi. PW24 58 Lumeah Road, Caulfield North vii. PW29 Kadimah Cultural Centre, 7 Selwyn Street, Elsternwick ▪ adopts the <i>City of Glen Eira Thematic Environmental History (Refresh) 2020</i> as Council’s revised thematic environmental history (replacing the Heritage Management Plan 1996 Volume 1); ▪ seeks authorisation from the Minister for Planning to prepare and exhibit Planning Scheme Amendment C214glen to implement the adopted recommendations of the <i>City of Glen Eira Post-War and Hidden Gems Heritage Review 2020, Stage 2: Citations</i>, to include the <i>City of Glen Eira Thematic Environmental History (Refresh) 2020</i> as a Background

	<p>Document and to remove the <i>Heritage Management Plan 1996 Volume 1</i> from the Glen Eira Planning Scheme;</p> <ul style="list-style-type: none"> ▪ authorises the Manager City Futures to undertake minor changes to the Amendment, including changes requested by the Minister for Planning or the Department of Environment, Land, Water and Planning to receive authorisation, where the changes do not effect the purpose or intent of the Amendment; ▪ subject to receiving authorisation from the Minister for Planning, places the Amendment on public exhibition for a period of at least one month.
8 September 2020	Council officer requests authorisation to prepare the Amendment.
18 September 2020	The Minister authorised Council to prepare and exhibit the Amendment.
29 October – 30 November 2020	Council exhibited the Amendment.
2 February 2021	<p>At its ordinary meeting on 2 February 2021, Council resolved the following:</p> <ul style="list-style-type: none"> ▪ notes the 19 submissions received during formal exhibition; ▪ defers consideration of the submissions and requests officers to write to all 19 submitters advising them of the deferment; ▪ authorises officers to write to each of the submitters who made a submission to the informal (pre amendment) consultation asking them whether they wish to make a late submission and advising them that late submissions will be accepted; ▪ request a further report following receipt of all submissions, together with the officer response to those submissions, for Council’s consideration and a resolution on the next step in the amendment process.
10 February – 1- March 2021	Council sent letters to 28 previous submitters to provide them with extra time in which to make a formal submission to this amendment.
27 April 2021	<p>At its ordinary meeting on 27 February 2021, Council resolved to:</p> <ul style="list-style-type: none"> ▪ consider the submissions received, including late submissions received up until 10 March 2021; ▪ request the Minister for Planning to appoint a Planning Panel to consider submissions received during the exhibition period for the Amendment and the late submissions received until 10 March 2021 – in accordance with section 23 of the Planning and Environment Act 1987; and,

	<ul style="list-style-type: none"> ▪ for the purpose of advocacy before a planning panel, note Council’s intention of abandoning the application of the heritage overlay to following places and precincts: <ul style="list-style-type: none"> a) 195-197 Hawthorn Road, Caulfield North b) 58 Norwood Road, Caulfield North c) 53 Balaclava Road, Caulfield North d) 124 Balaclava Road, Caulfield North e) 61-63 Gordon Street, Elsternwick f) 40 Lumeah Road, Caulfield North g) 44 Murrumbeena Road, Murrumbeena h) Wimbledon Estate Precinct, St Kilda East i) Grimwade Court Precinct, Caulfield North j) 335 Alma Road, Caulfield North k) 30 Aroona Road, Caulfield North l) 64 Balaclava Road, Caulfield North m) 624 Centre Road, Bentleigh East n) 30 Griffiths Street, Caulfield South o) 82 Lumeah Road, Caulfield North p) 49 Rosemont Avenue, Caulfield North q) Findon Avenue Precinct, Caulfield North
17 June 2021	Directions Hearing
26 July 2021	Panel Hearing