

## BAYSIDE PLANNING SCHEME

### AMENDMENT C192BAYS

#### EXPLANATORY REPORT

##### Who is the planning authority?

This amendment has been prepared by Bayside City Council, which is the planning authority for this amendment.

The amendment has been made at the request of Bayside City Council.

##### Land affected by the amendment

The amendment seeks to apply the Heritage Overlay to 59 proposed individual heritage places and 1 proposed group listing located throughout the Bayside municipality.

A mapping reference table is attached at Attachment 1 to this explanatory report.

##### What the amendment does

The amendment proposes to partly implement recommendations of the *City of Bayside - Post-War Modern Residential Heritage Study 2022* and introduce the Heritage Overlay to 59 proposed individual heritage places and 1 proposed group listing.

The amendment also seeks to include the *City of Bayside - Post-War Modern Residential Heritage Study 2022* as a background document, and the statement of significance for respective places as incorporated documents within the Bayside Planning Scheme.

The amendment seeks to introduce the following detailed list of proposed changes to the Bayside Planning Scheme:

1. Amend Clause 15.03-1L (Heritage conservation to include the *City of Bayside Post-War Modern Residential Heritage Study 2022* as a policy document.
2. Amend the Schedule to Clause 43.01 (Heritage Overlay) and Bayside Planning Scheme Maps 01HO, 02HO, 03HO, 04HO, 05HO to apply the Heritage Overlay to the following new places:

PROPERTY ADDRESS	SUBURB
1 Reid Street	BEAUMARIS VIC 3193
11 Summerhill Road	BEAUMARIS VIC 3193
11-13 Lang Street	BEAUMARIS VIC 3193
12 Bolton Street	BEAUMARIS VIC 3193
14 Cromer Road	BEAUMARIS VIC 3193
142 Reserve Road	BEAUMARIS VIC 3193
15 Hume Street	BEAUMARIS VIC 3193
15 Mariemont Avenue	BEAUMARIS VIC 3193
16 Surf Avenue	BEAUMARIS VIC 3193
165-167 Tramway Parade	BEAUMARIS VIC 3193
166 Tramway Parade	BEAUMARIS VIC 3193
171 Tramway Parade	BEAUMARIS VIC 3193

175-177 Tramway Parade	BEAUMARIS VIC 3193
18 Hutchison Avenue	BEAUMARIS VIC 3193
19 Gramatan Avenue	BEAUMARIS VIC 3193
19 Haywood Street	BEAUMARIS VIC 3193
2 Clonmore Street	BEAUMARIS VIC 3193
2 High Street	BEAUMARIS VIC 3193
21 Vardon Avenue	BEAUMARIS VIC 3193
23 Clonmore Street	BEAUMARIS VIC 3193
24 Balcombe Park Lane	BEAUMARIS VIC 3193
25 Oak Street	BEAUMARIS VIC 3193
28 Towers Street	BEAUMARIS VIC 3193
40 Anita Street	BEAUMARIS VIC 3193
50 Gareth Avenue	BEAUMARIS VIC 3193
50 Wells Road	BEAUMARIS VIC 3193
56 Cloris Avenue	BEAUMARIS VIC 3193
78 Scott Street	BEAUMARIS VIC 3193
82 Reserve Road	BEAUMARIS VIC 3193
86 Dalgetty Road	BEAUMARIS VIC 3193
53 Scott Street	BEAUMARIS VIC 3193
19 Florida Avenue	BEAUMARIS VIC 3193
9 Gray Court	BEAUMARIS VIC 3193
13 Fifth Street	BLACK ROCK VIC 3193
242 Beach Road	BLACK ROCK VIC 3193
3 Seaview Crescent	BLACK ROCK VIC 3193
344 Beach Road	BLACK ROCK VIC 3193
3 Exon Street	BRIGHTON VIC 3186
40 Sussex Street	BRIGHTON VIC 3186
45 Hanby Street	BRIGHTON VIC 3186
48 Hanby Street	BRIGHTON VIC 3186
6 Norwood Avenue	BRIGHTON VIC 3186
21 Dudley Street	BRIGHTON VIC 3186
25 Chatsworth Avenue	BRIGHTON VIC 3186
3 Roslyn Street	BRIGHTON VIC 3186
51 Lynch Crescent	BRIGHTON VIC 3186
56A Dendy Street	BRIGHTON VIC 3186
7 Roosevelt Court	BRIGHTON EAST VIC 3187
1 Sara Avenue	BRIGHTON EAST VIC 3187
2 Davey Avenue	BRIGHTON EAST VIC 3187
32 Clonaig Street and Meyer Court	BRIGHTON EAST VIC 3187
9 Wolseley Grove	BRIGHTON VC 3186

14 Fairway Avenue	CHELTENHAM VIC 3192
19 Olympic Avenue	CHELTENHAM VIC 3192
27 Bolton Avenue	HAMPTON VIC 3188
22 Harold Street	SANDRINGHAM VIC 3191
28 Gladstone Street	SANDRINGHAM VIC 3191
Unit 1-4, 16 Gillard Street	BRIGHTON EAST VIC 3187
Unit 1-6, 16 Clive Street	BRIGHTON EAST VIC 3187
2, 4, 8, 9, 10, 15, 18 and 19 Bellaire Court (Group Listing)	BEAUMARIS VIC 3193

3. Amend the Schedule to Clause 72.04 (Documents Incorporated in this Planning Scheme) to include the statements of significance for the proposed 59 individual heritage places and 1 proposed group listing.
4. Amend the Schedule to Clause 72.08 (Background Documents) to include the *City of Bayside - Post-War Modern Residential Heritage Study (GJM Heritage 2022)*.

### **Strategic assessment of the amendment**

#### **Why is the amendment required?**

The amendment is required to recognise the heritage significance and protect 59 individual heritage places and 1 proposed group listing.

Bayside City Council appointed GJM heritage consultants to prepare the *City of Bayside - Post-War Modern Residential Heritage Study 2022* to identify residential properties that are considered heritage significant places. The completion of the Post-War Modern Residential Heritage Study is a key action set out in *Council's Heritage Action Plan 2020*. The purpose of the Heritage Action Plan is to guide the identification, protection, management and promotion of Bayside's heritage assets for the next 15 years.

Bayside has a rich history and heritage, which is highly valued by the Bayside community. Historic buildings, landscapes, places and objects all contribute to Bayside's liveability and character. Protecting and celebrating these places is therefore a vital function of Council for current and future generations.

The Post-War Modern Residential Heritage Study was adopted by Council at the 19 July 2022 Ordinary Council Meeting. Volume 1 of the Study outlines the methodology that has been undertaken to finalise the Study. The significance of the places was assessed against the standard criteria contained within Planning Practice Note 1: Applying the Heritage Overlay and also utilised the principles of the ICOMOS Burra Charter (including its guidelines for understanding and assessing cultural significance).

Council considers the Heritage Overlay as the appropriate planning mechanism to protect the heritage values of the properties as the Heritage Overlay requires a permit to be granted for building and works, including demolition, that could affect the significance of these places.

#### **How does the amendment implement the objectives of planning in Victoria?**

The amendment seeks to implement the objectives of planning in Victoria, specifically Section 4(d) of the *Planning and Environment Act 1987* '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.'

The 59 individual places and eight places identified within the group listing are considered to be of

local heritage significance to the City of Bayside and have been built in the post-war era. As outlined in Volume 2 of the Study:

*'the many surviving Modernist houses reflect the optimism of the post-war period and the belief that the ideals of Modern architecture could overcome the building constraints of the time, but also the social and physical constraints of the country's past in order to forge a new direction for the post-war Australian community. These places make a significant contribution to the character and history of the City of Bayside.'*

### **How does the amendment address any environmental, social and economic effects?**

The amendment will assist in the protection of identified locally significant places and support the conservation of heritage places in Bayside.

#### *Environmental effects*

The amendment will conserve and enhance places identified as being of aesthetic and historic significance. The amendment will also make a significant contribution to the built environment by conserving heritage places. Any development proposed at these properties will be sympathetic and responsive to the built environment.

#### *Social effects*

Celebrating those places, objects and artefacts that make a significant contribution to Bayside is therefore a vital function of the council, for current and future generations. This is consistent with the Bayside community's desire to see neighbourhoods and amenity protected, with development sympathetic or responsive to the natural and built environment.

#### *Economic effects*

The amendment is not expected to have any adverse or significant economic impacts on the community. It is expected to have positive economic effects by facilitating decision making and minimising time delays. Some additional costs will be imposed for development that requires a planning permit.

### **Does the amendment address relevant bushfire risk?**

The land is not within a designated bushfire prone area, subject to a Bushfire Management Overlay or proposed to be used or developed in a manner that may create a bushfire hazard.

### **Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?**

The amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes as identified in section 7 (5) of the *Planning and Environment Act 1987*.

Plan Melbourne 2017-2050 is the Metropolitan Strategy for the Melbourne region and Bayside. The amendment is consistent with the following Direction within Plan Melbourne:

Direction 4.4 'Respect Melbourne's heritage as we build for the future'. The amendment responds to this direction by seeking to preserve buildings that are recommended for heritage protection.

The requirements of Ministerial Direction No.11 – Strategic Assessment of Amendments and Ministerial Direction 15 – The Planning Scheme Amendment Process have also been considered as part of the preparation of this amendment.

The amendment is consistent with Ministerial Direction No.11 and No. 15, in that it:

- Is supported by State and Local Planning Policy and strategic assessment;

- Makes proper use of the Victorian Planning Provisions and complies with the Ministerial Direction on Form and Content of Planning Schemes; and
- Meets the procedural requirements of the planning scheme amendment process.

### **How does the amendment support or implement the Planning Policy Framework and any adopted State policy?**

The amendment is consistent with, and supports the following elements of State Planning Policy:

#### Clause 15 Built Environment and Heritage

- Clause 15.03 – (Heritage) which seeks to ensure the conservation of places of heritage significance.
- Clause 15.03-1S (Heritage conservation). The strategies of this clause include:
  - *Identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme.*
  - *Provide for the protection of natural heritage sites and man-made resources.*
  - *Provide for the conservation and enhancement of those places that are of aesthetic, archaeological, architectural, cultural, scientific or social significance.*

Amendment C192bays supports Clause 15.03 of the PPF by identifying, assessing and documenting the heritage significance of 59 places and 1 group listing for protection in the Bayside Planning Scheme.

### **How does the amendment support or implement the Municipal Planning Strategy?**

The Amendment is consistent with the Municipal Planning Strategy. The Amendment supports Clause 02.03 (Strategic Directions), specifically section 02.03-4 (Urban and Building Design, Neighbourhood Character, and Heritage) which identifies actions relating to Built Form and Heritage:

- *Achieve built form and public realm design that conserves and enhances valued urban character and heritage places.*
- *Achieve design outcomes that preserve established built form, enhance local character and contribute to a sense of place consistent with Bayside's character.*
- *Protect and maintain the integrity of heritage places in accordance with the accepted conservation standards of the ICOMOS Burra Charter whilst accommodating the needs of current inhabitants.*

### **Does the amendment make proper use of the Victoria Planning Provisions?**

The amendment makes proper use of the Victoria Planning Provisions.

The Heritage Overlay is the appropriate tool to protect places of heritage significance as the Heritage Overlay requires a permit to be granted for building and works, including demolition, that could affect the significance of these places.

The amendment seeks to amend the Schedule to Clause 43.01 Heritage Overlay to:

- Require a planning permit to be obtained to consider the effect of demolition or development on the identified precinct heritage values; and
- Provide decision guidelines for development of places of local heritage significance.

### **How does the amendment address the views of any relevant agency?**

The views of relevant agencies will be sought through the public exhibition process.

## **Does the amendment address relevant requirements of the Transport Integration Act 2010?**

The amendment is not expected to have any impact on the transport system.

## **Resource and administrative costs**

- **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

Bayside City Council has already committed considerable resources to the completion of the Post-War Modern Residential Heritage Study. Budget and resources have been allocated to progress a planning scheme amendment to introduce the Heritage Overlay to the subject sites.

The introduction of heritage controls at the subject sites will not have a significant impact on the resource and administrative costs of the responsible authority. The amendment will create planning permit triggers for 59 heritage places and 1 group listing however any additional applications that arise from this amendment will not impact Council's ability to assess and consider the applications within the prescribed time.

## **Where you may inspect this amendment**

The amendment can be inspected free of charge at the Bayside City Council website at <https://www.bayside.vic.gov.au/services/planning-and-building/current-amendments>

And/or

The amendment is available for public inspection, free of charge, during office hours at the following places:

Bayside City Council  
Corporate Centre  
76 Royal Avenue  
Sandringham VIC 3191

The amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at <http://www.planning.vic.gov.au/public-inspection> or by contacting the office on 1800 789 386 to arrange a time to view the amendment documentation.

## **Submissions**

Any person who may be affected by the amendment may make a submission to the planning authority. Submissions about the amendment must be received by [insert submissions due date].

A submission must be sent to:

Clare Beames

Senior Strategic Planner

Bayside City Council, 76 Royal Avenue, Sandringham VIC 3191.

Or email to [planningstrategy@bayside.vic.gov.au](mailto:planningstrategy@bayside.vic.gov.au)

## **Panel hearing dates**

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- Directions hearing: 15 November 2023
- Panel hearing: 11 December 2023

**ATTACHMENT 1 - Mapping reference table**

<b>Location</b>	<b>Land /Area Affected</b>	<b>Mapping Reference</b>
Brighton	As identified on map	Bayside C192bays 001hoMap01 Exhibition
Brighton East	As identified on map	Bayside C192bays 002hoMap01 Exhibition
Brighton	As identified on map	Bayside C192bays 003hoMap01 Exhibition
Brighton and Hampton	As identified on map	Bayside C192bays 004hoMap02 Exhibition
Brighton East	As identified on map	Bayside C192bays 005hoMap02 Exhibition
Sandringham	As identified on map	Bayside C192bays 006hoMap02 Exhibition
Cheltenham	As identified on map	Bayside C192bays 007hoMap03 Exhibition
Black Rock	As identified on map	Bayside C192bays 008hoMap04 Exhibition
Beaumaris	As identified on map	Bayside C192bays 009hoMap04_05 Exhibition
Beaumaris	As identified on map	Bayside C192bays 0010hoMap05 Exhibition
Beaumaris	As identified on map	Bayside C192bays 0011hoMap04_05 Exhibition