

# C192bays – Post-War Modern Residential Heritage Study

## Frequently asked questions

### **What are the next steps of the Planning Scheme Amendment process?**

Council sought authorisation from the Minister for Planning to commence a planning scheme amendment (C192bays) to introduce a Heritage Overlay on 59 individual places and 1 group listing, in accordance with the Council resolution from the 19 July 2022 Council Meeting.

Planning Scheme Amendment C192bays will be on public exhibition from 7 September to 19 October 2023. The exhibition period will allow property owners and interested parties the opportunity to make a submission for or against the amendment. Submission can be made via email or by post.

After the exhibition of the planning scheme amendment, where submissions are received in objection and/or seeking change to the proposed amendment, a request will be made of the Minister for Planning to appoint an independent Planning Panel. An independent Planning Panel will consider the merits of each submission. Property owners and interested parties will have the opportunity to present their submission to the Independent Panel.

Following the Panel Hearing, the independent Planning Panel will prepare and provide a Planning Panel Report with recommendations to Council as to how to proceed.

A Council Meeting will be held to consider the Panel Report recommendation and to decide whether to adopt, adopt with changes, or abandon the amendment. If Council decides to adopt the Amendment, approval will be requested to the Minister for Planning.

### **How are submissions made?**

Only submissions made directly to Bayside City Council during the exhibition period of 7 September to 19 October 2023 will be formally considered by Council.

Submissions to Council can be made via email to the project team

[planningstrategy@bayside.vic.gov.au](mailto:planningstrategy@bayside.vic.gov.au). Written statement submissions can also be delivered by hand or post to Bayside City Council, 76 Royal Avenue 3191.

## **Does a Heritage Overlay impact property value?**

Property prices go up and down for a number of reasons: market conditions, seasonal fluctuations, location, size, amenity, the state of neighbouring properties, building use, rental return, economic conditions, quality of buildings, etc. It is therefore difficult to isolate the specific effects of heritage listing.

A planning panel report from the 2 September 2021 for amendment C214glen, which sought to introduce the Heritage Overlay upon 4 proposed heritage precincts and 34 proposed individual heritage places properties identified in the *Post-War and Hidden Gems Heritage Review 2020 and Glen Eira Thematic Environmental History (Refresh) 2020* similarly concluded that property value and private, individual financial impacts are not relevant when assessing heritage significance or when deciding whether to apply a Heritage Overlay:

*“The Panel agrees with Council that no submission provided information which demonstrated the Amendment will result in negative economic impacts on the affected properties. This is not surprising because property value and financial implications are determined through many complicated, interrelated, and sometimes unapparent reasons. It is difficult to single out one over another. Reasons may include existing zone and overlay provisions and policy, location, property attributes, title restrictions, broader economic circumstances and whether the owner intends to develop their property. There is no evidence that heritage provisions alone reduce property value.”*

The era, condition and style of heritage features, along with the cost of maintenance, as well as other significant qualities offered by the property, and the target market's personal taste are all key factors influencing price. If heritage features are in excellent condition/restoration, easily maintained and do not reduce functionality or involve long-term costs, they are likely to increase the property's value.

## **What is mid-century architecture?**

Mid-century modern is a design movement that influenced a range of areas across society, including graphic design, furniture, interior design, and relevant here, architecture. Mid-Century architecture was developed with the movement following World War II, influenced by a rejection of traditional design standards in favour of modern forms, materials, and design direction. Mid-century architecture evolved and developed around the world, with unique designs and trends in Palm Springs, California, Scandinavia, Japan, and here in Australia. Young and aspiring architects here in Australia such as Robin Boyd, Peter McIntyre, David Godsell, John Baird and Eric Lyon, to name a

few, experimented with these new shapes and materials, developing a unique form of mid-century architecture in Australia.

Incorporating innovative design features of the period, mid-century modern homes incorporate free flowing and open floorplans, flat and/or skillion roofs, use of exposed and new period materials such as exposed steel, timber, cement sheeting and more. Sometimes structurally daring, mid-century architecture is distinct for the use of clean lines, open floorplans, and a new approach for maximising views and utilising natural light with floor to ceiling windows. Further, an easy connection to outdoor decks and gardens was prominent and endemic of mid-century architecture, and this continues to influence Australian home design to this day.

### **Why is this Planning Scheme Amendment necessary?**

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. Under the *Planning and Environment Act 1987*, Council has a responsibility for heritage conservation, as part of Section 4(1)(d), '*to conserve and enhance those buildings, areas or otherwise of special cultural value.*' This amendment proposes to introduce permanent heritage controls to 59 individual places and 1 group listing.

Council identified the implementation and adoption of the Post-War Modern Residential Heritage Study as a priority in its Heritage Action Plan 2020. The purpose of the Heritage Action Plan is to guide Council's heritage program, particularly as it relates to the identification, protection, management and promotion of Bayside's heritage assets for the next 15 years.

### **What is a Heritage Overlay?**

Heritage Overlays are a planning control that can be applied to properties, precincts, parks, trees, and other forms that are determined to have substantial heritage significance. The purpose of Heritage Overlays is to protect and conserve places of aesthetic, social or historical importance. To ensure heritage properties are protected, a planning permit may be required from Council to demolish, construct, alter or extend buildings or structures in the Heritage Overlay.

### **How is heritage significance assessed?**

Before Council can introduce a Heritage Overlay to a place, a heritage assessment or study needs to be prepared.

Heritage studies and assessments are prepared by a qualified heritage expert engaged by Council and identifies places that have heritage value. 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.

The Department of Transport and Planning provides planning practice notes to support planning processes and topics. Planning Practice Note 1 – *Applying the Heritage Overlay* provides guidance about the use of the Heritage Overlay.

### **What is the Heritage Overlay process?**

Before Council can introduce a Heritage Overlay to a property or precinct, a heritage assessment or study needs to be prepared.

Heritage studies and assessments are prepared by a qualified heritage expert engaged by Council and identifies places that have heritage value. 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 includes a Statement of Significance that clearly establishes the importance of the place and addresses the heritage criteria.

The Post-War Modern Residential Heritage Study has been prepared by a qualified heritage expert and provides Statements of Significances for places considered to be locally heritage significant. The Statements of Significance have been prepared in accordance with Planning Practice Note 1 – *Applying the Heritage Overlay*. The Post-War Modern Residential Heritage Study was presented to and noted by Council on 19 July 2022.

Through the planning scheme amendment process, all affected property owners and any other interested parties are provided an opportunity, during the exhibition period, to make submissions to Council as to whether they agree or disagree with the proposed Heritage Overlay, including the opportunity to engage any expert evidence (i.e. a Heritage Consultant).

If submissions are received they will be referred to an independent Planning Panel. The independent Planning Panel will constitute of appropriately qualified experts and will hear evidence from both Council and any submitters following the hearing. The Panel will provide recommendations to Council as to how to best proceed with the amendment.

### **What is the history of this project?**

The Post-War Modern Residential Heritage Study follows three previous attempts (2007, 2017, 2018) by Council to conduct studies to identify mid-century modern properties for potential heritage protection and introduce heritage controls (interim and permanent). This includes the adoption of an untried voluntary approach to heritage protection which the Minister for Planning approved on an interim basis. The then Minister for Planning did not support the approach to permanently list the properties within the Heritage Overlay as they did not consider the process adequately fulfilled Council's responsibilities under the Planning and Environment Act 1987. Instead, the Minister advised that Council should undertake a more detailed study to ensure appropriate protections exist, resulting in the preparation of the draft Post-War Modern Residential Heritage Study.

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The Post-War Modern Residential Heritage Study was presented and noted at the Council Meeting of 19 July 2023. At this meeting it was resolved to remove 28 properties from the study as it was considered that they did not meet the relevant threshold for inclusion.

Further to this, Council sought authorisation from the Planning Minister to prepare a Planning Scheme Amendment. The amendment proposes to introduce permanent heritage controls to 59 individual places and 1 group listing.

### **I don't think my house is of heritage significance, why is it in this Study?**

A heritage consultant's expert opinion is that your property may be of local heritage significance. This identification has been based upon research and a site inspection of your property from the public realm. The significance of a given property is based upon (but not limited to) the historical, rarity, scientific, environmental, design, technical, social and/or other special significance of the identified property. The Statement of Significance for each property included in the amendment outlines why the property has been included in the Study.

### **Can I demolish my property if it is in a Heritage Overlay?**

A planning permit is required for all partial or complete demolition.

It is Council policy to retain significant and contributory heritage buildings and to discourage the demolition of significant and contributory heritage buildings.

Subject to the application of a planning permit, consideration would be given:

- If it can be demonstrated that the building is structurally unsound, and the original fabric of the building has deteriorated to such an extent that a substantial reconstruction would be required to make the building habitable. In addition, the replacement building would need to display design excellence. If located in a heritage precinct, the replacement building would clearly and positively supports the ongoing heritage significance of the precinct.
- To the partial demolition of significant and contributory heritage buildings where the fabric to be demolished is of no significance, or where the demolition helps to reveal the original fabric of the building.
- To the partial demolition of significant and contributory heritage buildings for the purpose of additions, only if the additions will not affect the heritage significance of the building and the proposed addition is sympathetic to its scale and form.
- To the demolition of non-contributory buildings in heritage precincts.

An appeal process is available if you do not agree with Council's decision.

### **Can I make changes to my house to make it more sustainable, even if it is heritage listed?**

Yes. There are many houses already within the Heritage Overlay that have solar panels in place and various other measures to ensure a building is energy efficient can be installed without compromising the heritage significance of the place.

A VicSmart permit application (which is assessed in 10 business days) is required to:

- Construct or install a solar energy system attached to a dwelling
- Construct and install an electric vehicle charging station
- Construct and install services normal to a building other than a dwelling, including chimneys, flues, skylights, heating and cooling systems, hot water systems, security systems and cameras, downpipes, window shading devices, or similar.

Any services that are installed internally can be provided without seeking planning permission (unless it is one of the few properties that have specific internal controls, as indicated in the Bayside Planning Scheme. These properties will require a permit for internal works).

Assessment of an application to install a solar energy system must consider whether the location, style, size, colour and materials of the proposed solar energy system will adversely affect the significance, character or appearance of the heritage place.

Where the proposed development is not eligible under the VicSmart provisions, a standard planning application may take longer. Council generally assesses and decides on a planning application within 60 statutory days.

### **Can I build a new front fence in a Heritage Overlay?**

A permit will be required, and the fence should be sympathetic and/or complimentary to the valued heritage elements of the building. Construction of a fence, as well as demolition or removal of a fence (unless specified in the Schedule to the Heritage Overlay), can be applied for as a VicSmart Permit.

### **Can I paint my property in a Heritage Overlay?**

In designated heritage precincts, a permit would not be required to paint previously painted surfaces. However, there are some properties that have external paint controls, requiring a permit for external painting. This is determined on the characteristics of a particular property, such as period features and design elements.

### **If a Heritage Overlay is applied to my property, do I have to maintain my property to a standard determined by Council?**

All homeowners have a responsibility to maintain their homes to a habitable state. Local heritage controls only impose a minimal responsibility to owners regarding maintenance.

### **Do I need to engage a heritage specialist to undertake renovations to my house if it is in a Heritage Overlay?**

No, you do not. However, like with any renovation, homeowners should consider choosing a practitioner who is best credentialed to assist with the proposed building work.

### **Can I make changes or alterations to the inside of a building in a Heritage Overlay?**

A permit is not required for internal alterations unless it is one of the few properties that have specific internal controls, as indicated in the Bayside Planning Scheme. These properties will require a permit for internal works.

### **Do I need a permit for alterations and additions to my house in a Heritage Overlay?**

Yes, a permit will be required. Alterations and additions may impact the heritage values of a given site. If you are seeking to engage in alterations or additions, they should be sympathetic in design, and compliment the valued heritage elements of the building, however they do not need to replicate the style of the original building. Example: Additions can be contemporary in form, by complimenting the roof pitch or building form, or through the use of materials of the original heritage building(s).

### **How long will it take to get a planning permit, and what are the costs involved?**

There are various types of development that are eligible for assessment as a VicSmart application.

The following is a list of the types of development (but not all) that are eligible:

- The demolition or removal of an outbuilding (unless the outbuilding is specified in the schedule to the Heritage Overlay)
- The demolition or removal of a fence (unless the fence is specified in the schedule to the Heritage Overlay)
- External painting
- Construct a carport, garage, pergola, verandah, deck, shed or similar structure
- Construct or install an electric vehicle charging station
- Construct and install services normal to a building other than a dwelling, including chimneys, flues, skylights, heating and cooling systems etc.

The VicSmart application fee varies:

- If the estimated cost of development is \$10,000 or less, than the application fee is \$206.40
- If the estimated cost of development is more than \$10,000, than the application fee is \$443.40

VicSmart applications do not need to be publicly advertised and are to be processed within 10 days. Where the proposed development is not eligible under the VicSmart provisions, a standard planning application may take longer. Council generally assesses and decides on a planning application within 60 statutory days.

### **Can I engage my own expert?**

Yes. You are able to request a heritage professional or expert to review the Statement of Significance that has been prepared by Council's heritage consultant. This can be submitted to Council as part of a submission during the exhibition period.

### **How can I get the Statement of Significance prepared for my property reviewed?**

If you do not agree with the findings of the Statement of Significance that has been prepared, you are able to get this reviewed by a heritage professional or expert. There are many heritage consultants in Melbourne that you can get in contact with to undertake this review.

Council will not be involved in a property owners' personal engagement of a heritage professional or expert and can only provide response to these findings if it has been submitted to Council during the Planning Scheme Amendment public exhibition and/or Panel hearing processes.