10. Reports by the Organisation

10.1 PROTECTION OF HERITAGE PROPERTIES IN BAYSIDE

City Planning & Amenity - Urban Strategy File No: PSF/20/17 – Doc No: DOC/20/153082

Executive summary

Purpose

To present Council with an approach to protecting heritage properties in Bayside (including mid-century modern properties), in light of a recent letter from the Minister for Planning in relation to Council's voluntary nomination process.

Background

Council commissioned the Inter-war and Post-War Heritage Study in 2008 to identify and assess places of heritage significance across the municipality that were under-represented in previous heritage studies, focusing primarily on inter-war and post-war places. Though the study was partially implemented through planning scheme amendments C75 and C76, a considerable number of properties identified in the study remain without heritage protection as Council resolved to abandon implementation of the study.

When Council adopted its Heritage Action Plan in 2017, it resolved to commence a mid-century modern heritage study with the first stage focusing on Beaumaris and Black Rock. Council also resolved to apply interim heritage controls to properties in Beaumaris and Black Rock identified in the Inter-War and Post-War Heritage Study.

In April 2018, it was resolved that Council (inter alia):

- 1. Does not proceed with the mid-century modern heritage study;
- 2. Abandons Planning Scheme Amendments C158 and C159 and advises the Minister for Planning of Council's decision;
- 3. Seeks voluntary nominations from property owners of mid-century modern properties in Beaumaris and Black Rock for investigation for inclusion in a Heritage Overlay.

Through the voluntary nomination process, 8 residential properties and 11 public buildings were identified as being of heritage significance and the Heritage Overlay is to apply to the properties through Amendment C178, currently with the Minister for Planning for a decision.

At its 19 November 2019 Ordinary Meeting, it was also resolved that Council receives a report reviewing the voluntary nomination process following the gazettal of heritage controls forming Amendment C178bays, applying heritage controls to the 19 properties identified through the voluntary nomination process.

Key issues

Minister's letter

The Minister for Planning wrote to Council on 24 May 2020 expressing his concerns about the voluntary process that Council has undertaken (Attachment 1). The Minister's letter highlights Council's responsibilities to ensure that places of scientific, aesthetic, architectural or historical interest are conserved.

The Minister outlines that "the self-nomination process is not appropriate to protect places of heritage significance" and further states that:

"In order to support the council in this important work, (he) intend(s) to make a decision on Amendment C178bays shortly. However, following any decision made on this amendment, the council is requested to respond to the following matters:

- Confirmation from your council to review, update and implement the Inter-War and Post-War Heritage Study which formed part of the abandoned Amendment C158 and C159. The council must ensure this heritage study and citations are up to date and address any outstanding need for further heritage assessment or review.
- Confirmation from your council that it will seek a request for authorisation for a planning scheme amendment to apply the Heritage Overlay to the properties identified in the above review, as well as the proposed timing for exhibition of the amendment, so that the need for heritage protection can be balanced with the requirement to afford natural justice to the land owners of affected properties.
- Ensure that the heritage study and review is undertaken by a suitably qualified and experienced heritage expert, especially in the field of Inter-War and Post-War buildings.

I am advised that there are several locally significant heritage places that are currently under threat of demolition and areas experiencing development pressure, resulting in the loss of buildings and degradation of heritage values. I therefore encourage your council to provide a timely response to the matters outlined in this letter to ensure certainty for the community and provide appropriate protection of heritage places, as required by the Act".

In relation to the 51 properties within Amendments C158 and C159 which have had citations prepared in the past, there are currently no properties that have lodged section 29A applications besides the Beach Road property which is subject to current VCAT proceedings.

Next steps

Council has the following options to move forward:

- Proceed with the review, update and implementation of the Inter-War and Post-War Heritage Study and investigating mid-century modern architecture in Bayside, drawing upon properties previously considered as significant as well as new assessments
- Write to the Minister for Planning advising that Council will not revisit its decision to pursue a voluntary nomination approach for mid-century modern properties in Beaumaris and Black Rock.

Whilst the voluntary nomination process has resulted in some mid-century properties being protected, the Minister has made it clear that he considers that this is not a satisfactory approach to protecting heritage.

Having regard to the Minister's letter, it is recommended that Council review the Inter-War and Post-War Heritage Study and progress a mid-century modern heritage study. It appears that proceeding with a study and subsequent planning scheme amendment process is the preferred approach to considering heritage value of a property and that through a Planning Panel process is the preferred method for providing recommendations to Council as to how to proceed on matters such as this.

Whilst Council may continue with a voluntary nomination process if it wishes, a voluntary approach should not be in place of a more detailed study that identifies properties but something that complements Council's various heritage studies.

An updated Bayside Heritage Action Plan (the Action Plan) is attached to this report (Attachment 2). The updated Action Plan identifies future studies to be implemented in a staged approach to deliver a robust review and implementation of the Inter-War and Post-War Heritage Study. The Action Plan also consolidates studies previously identified to provide a holistic approach to heritage that ensures the protection of places of local heritage significance is achieved over the next 15 years. The long-term program facilitates the consideration of future heritage studies and implementation in future budget processes. It is proposed that a municipal mid-century modern heritage study commences in 2020/21, to be funded from savings in the operation budget and any additional financial support made available by the State Government.

Recommendation

That Council:

- 1. Adopts the revised Heritage Action Plan 2020 (Attachment 2 to this report), which sets out a holistic approach to assessing and managing heritage, including:
 - a. Prioritisation of the Mid-Century Modern Heritage Study to commence in 2020/21 to be funded via savings from the operational budget; and
 - b. Prioritisation of the Inter-War and Post-War Heritage Study to commence in 2021/22.
- 2. Continues with an option for a voluntary nomination process where land owners selfnominate their properties for assessment as part of the preparation of future heritage studies.
- 3. Writes to the Minister for Planning to inform him of Council's decision and request that additional funding be provided to assist in the preparation of the studies requested by the Minister in his letter.

Support Attachments

- 1. Letter to Bayside City Council Bayside City Council Heritage Matters &
- 2. Revised Heritage Action Plan 2020 \$\Bar{y}\$

Considerations and implications of recommendation

Liveable community

Social

Bayside has a rich history and heritage, which the Bayside community is proud to celebrate and possess. Historic buildings, landscapes, places and objects all contribute to Bayside's liveability, character and community cohesion. Protecting and celebrating these places, objects and artefacts is therefore a vital function of 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.

Natural Environment

Protecting Bayside's unique natural environment and landscape is a priority of the Heritage Action Plan through the recommendations which complement Council existing policies related to the environment, and further work to be undertaken in relation to the identification, assessment and documentation of places of Aboriginal cultural heritage.

Built Environment

Protecting Bayside's rich history and heritage is a priority of the Heritage Action Plan through the recommendations which complement Council existing policies. Protecting and celebrating these places, objects and artefacts is therefore a vital function of 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 built environment.

Customer Service and Community Engagement

Implementation of the individual studies outlined in the Heritage Action Plan will be subject to community consultation. Whilst there are divided views in the community in relation to the protection of mid-century modern heritage buildings, opportunity for community engagement will occur through the development of the study and any subsequent planning scheme amendment process.

Human Rights

The implications of this report have been assessed and are not considered likely to breach or infringe upon, the human rights contained in the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

Legal

Council has a responsibility for heritage preservation, consistent with the objective located at Section 4(1)(d) of the *Planning and Environment Act 1987* ('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".

Through his letter, the Minister for Planning suggests that Councils voluntary nomination process is not adequately fulfilling Council's responsibilities under the Act.

Natural justice to affected land owners will be afforded through a planning scheme amendment process.

Finance

It is proposed to reprioritise operational budgets to support the preparation of the municipal mid-century modern heritage study in 2020/21. However, additional support from the State Government should be explored to undertake the heritage studies given the current financial challenges provided by rate capping and the COVID-19 environment.

Council will need to consider funding for individual strategies outlined in the heritage action plan through its annual budget process. It is proposed to stage the Inter-War and Post-War Heritage Study to limit the financial burden.

Links to Council policy and strategy

The preparation of the Heritage Action Plan 2017 derives from a recommendation made by the Bayside Planning Scheme Review 2015 to "Ensure important cultural and heritage elements are identified in the planning scheme and afforded appropriate protection".

To address this recommendation and other heritage related issues identified in the Bayside Planning Scheme Review 2015, the Review identified that Council would develop a Heritage Action Plan in the 2015/16 financial year to review sites/precincts of heritage significance.

The proposed revisions to the Heritage Action Plan will improve the clarity and provide a more realistic timeframe for completing the various studies specified within the Plan.

Options considered

Option 1

Summary	Through the revisions to the Heritage Action Plan, commit to undertaking a review of the Inter-War and Post-War Heritage Study and prepare a midcentury modern heritage study.
Benefits	This option will ensure that potentially significant properties are identified and the appropriate process undertaken to ensure protection of heritage buildings.
	This will ensure Council is fulfilling its statutory obligations in relation to the identification and protection of significant buildings and places.
	This will allow affected land owners an opportunity to participate in the process through a planning scheme amendment process.
	The revised implementation timeline for the Heritage Action Plan provides a staged approach to the completion of the various studies outlined in the Plan. This provides a more manageable and realistic approach to completing this work.
Issues	There is expected to be opposition from affected property owners about revisiting this issue, given Council has previously abandoned these studies.

Option 2

Summary	Write to the Minister for Planning advising that Council will not undertake the steps referred to in his letter.
Benefits	As Council has previously abandoned these studies, this would be consistent with Council's adopted position.
Issues	The Minister for Planning has a range of powers available and whilst it is not clear how the Minister may proceed, the Minister may intervene and make a decisions in relation to heritage properties without Council's involvement. This could be perceived to be Council abandoning its obligations under the <i>Planning and Environment Act 1987</i> in relation to heritage. The consequences of undertaking this approach are unclear as officers are not aware of any other Council pursuing this pathway.



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Departments

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Bayside City Council

Heritage Action Plan June 2020

(32) 9599-4444 PO GOX 97 SANDRENGHAM WC SHIN Immo begoddowiogroesi



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Introduction

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- Protection (stations yealer in a pulsey development, represent management)
- Supporting (analyzance, advice and incentives to help conserve hertiage places).
- Community lines and according to exercise to exist measurement and appropriate and the area to be in Turk media.

Key recommendations of the Herbege Action Pien included

- Heritage studies: Complete and implement new heritage studies and review and implement outstanding actions from provides heritage studies.
- Mentage interpretation: Hurping at Atlantage Assessment and Common reduces. What to guide Council's program of interpretive signs, walks, exhibitors and other architectural soft, dea
- Design guidelines: Prepare a conscillared set of design guidelines to establishen agreemit applicants and residents.
- Staff training: Definer paining about 50 yeads in digenous and note contact it story and hartage compress on and a splace opportunities to share hartage knowledge directly organization.
- Access to heritage information: inprove community access to information about Experit A. Instance of the only order waste Countries website and redshift seeming ex-
- Engagement: Build historigen relationships with community groups, inhibited as incidefied and other groups involved in hartings militard matters.

This Plan builds on the work outlined within the disposite heatings Action Him 2017 he singling are to as building earlies to a read a by Council and the progress naces in delivering the actions from plan.

Purpose of the Heritage Action Plan.

The purpose of the dayouts Mediagn Action Plan is to:

- Identify and assure positive haritage measures already employed by Council;
- Ideality appealantias to improve the protection, recognition and promotion of the Sound's heritage casets (including public and private buildings, partis, gesters, public spaces, objects and other features), and
- Identify and prioritise Council after the her tage work program over a 15 year parted.

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- Final to the Montfielding, consequenced and protection of Baye do's haritage a score advance Research Classics and policy and the Appearant.
- Increase community browledge, appreciation and swareness of Bayelde a history, historic buildings, places and objects;
- Require the common by, within apparent out my property and an extra continuous at Seyado's fratery freeloop places and leads go objects, and
- Increase community diverges and edoption of best practice her tage conservation techniques.

3. Policy Contest.

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4. Methodology

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- Modified provious Council haritage studies in terms of scope and level of inglamentation;
- Review of the Brecitie Theoretic officers.
- Investigation of previous and current hartage communication and interpretive and size:
- States, of her tape related procedures.
- Involvement of relevant Douncil staif through informal discussion and feedback on the Heritage Action Plan.

The Fight was adopted in July 2017 and updated in June 2020 to have regard to accompanied on a form the Vinceto for Black ray independence to work of the Says do into Says and Rossewar Herbage Study 2020.

5. Achievements and Challenges

5.1. Achievements

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Showing

- Completion of the Saywide Therein in factory, which provides a historical context to Sayaide's discretization of the Saywide Context.
- Completion of 10 area based hartage studies and reviews by the Olike of Srighton, Sandringhain and Rayarda.
- Complication of includes: the stage consequences that have secured in places being actually in the flee case Overlay.
- Completion of the indigenous Heritage Study
- Adoption or a implementation of standard entires for executing pipers of heatage significance as expelled by the Heatage Council on 7 August 2008 (Appendix 1).
- Domplation of Curdital Halitage Management Plans and Dompervation Management.
 Plans to inform fusion messer planning capital words projects and use of public spaces.
- Completion of the Art and Heritage Collection inventory Project 2016 2016.
- Completion of a voluntary nomination process for mid-cantary modern horses in Resource care. Black Pool: that modified in 19 buildings places being protected.

PROPERTING:

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- Inclusion of a local Hartage Folicy in the Bayalca Planning Other a which provides the foundation fondacts on making
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- Conservation of Council owned buildings, lated on the Victorian Heritage Register, including:
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 - Black Rock House
 - Brighton Cielo Contre
 - Brighton Losso Hall
 - Householden Ha
 - Kommat verb Housevann Catalons.
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- Advisor/edging the contribution the poset and open spaces make to Baye de's sentage through the preparation and implementation of the Regards Open Spaces Stating / 1019 and the Regards Control (Aberrages est Plan 1914).

Supportings

- Provision of a Heritage Advisory Service through employment of a contract hartage edvisor who provides advice to the Development Services department regarding standing pennit applications.
- Solishoration with community groups and historical societies on projects by shearing, information and exploring how this information can be used to inform events about Beyalde's history.
- Providing apace to community groups and hierarical accordance measured disease.
- Scenario come of of the implementation of the second and other mode in the Bay side.
 Are and Culture Sam to Playley regarding the use and activation of Council owned and managed he flage by dings.
- Provision of gonuslopy remembers environs via the Bayside Library Burston

Communicating and promoting

- Provision of heritage property information via Councilis Heritage' and 'Flanning Scheme Amendments' webpages.
- Provision of Horotope Policies are December at the Boysin Planning Adversaria.
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- Inclusion of the folios, ng trails on Council's value te and integrating them on the Bayelde Walks and Trails ameriphone app
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 - Trail 9 Certificial Walk (Hampton)
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 - Trail 6 Heath Innd Wolfs (Sprior not arr).
 - That 7 Coff Links Lane Weik (Black Rock & Chartenness)
 - : Thail 3 Whitebers and Vision (Chalcanham)
 - : Thail 3 Mayery Walk (Decuments):
 - : Constal Trail (including Art, History, Inciganous and Environment):
 - Architectural Trail
- Inclusion of sudio foursion that Soyolds Win to and Trails precriptions up a
- Provision of information on Council's water its about the history of Dayside, heritage studies and information related to obtaining a planning parmit
- Art volum the Engliton Town Fir Tby using allow the Englido Arts and Culture Control
 und up the location of the Stighten Historical Society.
- Running echibitions from the Bayalds Arts and Culture Centre that focus on Savelde's history
- Activating Council event and managed benings to litings to both events such as the Sevalde Design Medical and Boysine Astrolia Residence program at 8 life historic Manages
- Activating Council owned and managed hartrage places by making them are lable for nine for events such as worldings.
- Installed an of interpretive eight throughout the municipality.
- Inclusion of the flexulterituge renovation or responsion/ datagony in the almost Baselde Built Brivingment Avende.
- Activating Council owned hardage buildings by leaving them to expense tions with as schools and community assupe.
- Availability of Heritage Studies from the Sayalde Library Sarvice.

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5.2. Challenges

During the preparation of the Hartage Action Plant, several last as ware identified which could impact in Council's thirty to achieve its hardons objectives. There exhaust include:

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- Recording Enviside's refigences that by including your and post-or stact refigences and notices.
- Responding to unacheduled requests for heritage assessments of individual arcperties and places including partial gardens and the public realins.
- Emperating regards associately associated as the state of the curve series of our management of Says do's finishing planes declaring have to be as each unsylector.

Protectings

- Slowing the gaps in Rayelde's haritage overlays: particularly interveal and post World.
 War II places, it a itage properties and it aritage products is antifice temperaturales in an view years stop studies and in the Rayelles These size blackey.
- Profesting potentially significant heritage buildings not included in the Heritage.
 Overlap from demolition or significant stansions.
- Is not being and protecting is storically eignificant suggestation.
- Someting anomaline in existing riertage Overlage.
- Ensuring her tage citations are current accurate and comprehending and can inform vertage yielding vertail assessments.
- Ensuring public works conserve and enhance Says de's hardage piaces, objects and ancadeses
- Ensuring Council complies with the requirements of the Apprigner's Judge Act 2003 is relation to the protocile and discongenient of the general haringe.
- Ensuring the objects in Council's Artisms Haritage Collection are documented and stored appropriately.
- Managing the disjectives of heritage operators of a critical Council and State.
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Supporting:

- Building stronger relationships with it control societies. Menou of groups and other tentuge relation organizations to ensure their capacity, masterinshiftly and depail its to some latters. Council-less authories.
- Working with developers and landowners to achieve appropriate restoration and conservation outcomes for heritage places.
- Providing training augmentation to Council officers relating to indigenous culture and legal participated. In high restricts a river 4 trailage, a succession transmission on an exercis.
- Implementing the findings of service reviews to reflect community expectations.

Congruence that are a Property as:

- Improving access to in a mation about Reysele's training, not big enlaces and about reference news, respectful viewed to our most in factors reg.;
- Promoting best practice conservation techniques amangst the Bayaks porangulity.

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- It into every promound a revenue read of Boryaids is Independent, and the national history, one calculation or promote is of the Attraction of Investigate Art 2008.
- Developing and implementing a constraint interpretive and so highlan program which could include the installation of aigns, the development of herhage material (brochures, online apostand online resources) and so highlan of objects related to Rayolder's thosas.
- Improving community awareness of seleting findered are note functing apportunities; for conservation works and promotional projects.
- Ensuring that information related to her tage places and objects is easily access the for the community and docume informs.
- Varietaining Council viteratige databases, indusing Heritage Violatid's Heritage.
 Variagement Electronic System (HERNES).

Implementation

ell sels a state index in distinctatings are satulto communing stayes for himitage gits actions solved; and protected increased for future generations. Council works with a located range of state includes such as Heritage Mictoria, historical societies, land counters, we dents and are stated a to identify, protect invariage and protects Boylists when tage states.

Within Soundil, selected deportments are involved in delivering Council's heritage, as considerable as that apprions. Figure 1 such and which deport on also are as considerable for different heritage functions and projects.

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Figure 1 – Council Departmental Responsibilities

7. Action Plan

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- Knowing (identification, or worsenable ad documentation of her tage places);
- Prorecting (sterutory protection policy development, appropriate management)
- Supporting Agreement on viole and incontinuous to help converse heritage, pieces's and
- Communicating and promoting (measures to raise swareness and appreciation of the ner tags of the area).

The resource sequinements listed in the Heritage Action Plan are indicative and are invely to obtain a report in grow that he also approve the relation of the first product of the subject to Council a sequine budget process to secure are expected to be subject to Council a sequind budget process to secure are set funding.

8. Monitoring and Review

The Heritage Action F an will be monitored away five years through the preparation of a progress report. This report should be time which second mandations have been completed and make recommended adjustments to the Plan as required. The next school and review of the Heritage Action Plan will take place in 2025.

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Appendix 1 - Criteria for assessine Cultural Heritage Significance

These criteria were adopted by the Hertage Councillor 7 August 2005 paraser to sections 6/19/2 and 6/2 pitchs hertage Act 16/6 and are also set out in the State Governments. Pleasing Precioe Note 1: Applying the Hertage Civerary for the purposes of easiersing the numbers with as of a mace.

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Appendix 2 – Municipal Heritage Strategies: A guide for Councila. (Heritage Victoria, 2019) – Heritage Strategy Checklist

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- Respecting Service are device and inconfive site first recearive fundance place so.
- Communicating and promoting (measures to raise swereness and appreciation of the nertage of the area).

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