



Hon Richard Wynne MP

Minister for Planning
Minister for Housing

8 Nicholson Street
East Melbourne, Victoria 3002

Cr Clarke Martin
Mayor
Bayside City Council
76 Royal Avenue
SANDRINGHAM VIC 3191

Ref: MBR042485



Dear Mayor

BAYSIDE CITY COUNCIL HERITAGE MATTERS

On 7 April 2020, I received a request from your council to exercise my powers under section 20(4) of the *Planning and Environment Act, 1987* to prepare, adopt and approve Bayside Planning Scheme Amendment C178bays. The request seeks to apply the Heritage Overlay to 19 post-war buildings located in Beaumaris and Black Rock, of which, 11 are council owned and eight are privately owned.

I am advised that in late 2018, the council abandoned Amendments C158 and C159, which were municipal-wide planning scheme amendments to apply the Heritage Overlay to 51 inter-war and post-war buildings, due to opposition from some property owners and members of the community. As a result, the council undertook a voluntary nomination process for proposed Amendment C178bays, where owners nominated their properties for heritage assessment and the council subsequently undertook a heritage assessment of places to determine its significance.

I have concerns with the council's self-nomination approach to the protection of heritage places in your municipality. As a planning authority, your council has a responsibility to ensure that buildings, areas and other places of scientific, aesthetic, architectural or historical interests are conserved. This objective is set out in section 1(d) of the Act and supported by council's duties as a planning authority under section 12. Further guidance to councils is set out in Planning Practice Note 1 Applying the Heritage Overlay (August 2018).

Local communities expect local heritage places to be identified and protected, and landowners need certainty when making decisions to sell, purchase or improve their properties. Whilst I note the council's effort to protect the 19 buildings proposed as part of Amendment C178bays, this self-nomination approach is not appropriate to protect places of heritage significance.

In order to support the council in this important work, I intend 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 landowners 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.

If you would like further information, please contact Jane Homewood, Executive Director, Statutory Planning Services, Department of Environment, Land, Water and Planning on (03) 8683 0975 or email jane.homewood@delwp.vic.gov.au.

Yours sincerely



HON RICHARD WYNNE MP
Minister for Planning

24 / 05 / 2020