

AMENDMENT C203DARE

**HEIDELBERG ROAD CORRIDOR - PROPOSED PERMANENT HERITAGE OVERLAY
TO SEVEN INDIVIDUAL PROPERTIES**

PART A SUBMISSION- DAREBIN CITY COUNCIL

INTRODUCTION

1. Planning Panels Victoria (PPV) has requested that Darebin City Council (**Council**) provides its 'Part A' submission by 4 July 2022 prior to the commencement of the hearing
2. Amendment C203dare to the Darebin Planning Scheme (**Scheme**) (**Amendment**) proposes to apply a permanent Heritage Overlay to seven properties along the Heidelberg Road Corridor within the suburbs of Northcote, Fairfield and Alphington in the City of Darebin.
3. This submission responds to that request under the following headings:
 - 3.1 Background to the Amendment
 - 3.2 Chronology of Events
 - 3.3 Strategic context and assessment
4. Council's Part B Submission will address all other matters set out in the Panel's Directions dated 26 May 2022 including a response to the submissions received.

BACKGROUND TO THE AMENDMENT

5. Council in its role as the responsible authority under the *Planning and Environment Act 1987* (**Act**) has prepared the Amendment.
6. This Panel has been appointed pursuant to section 153 of the Act to consider the submissions that have been referred to it pursuant to section 23(1)(b) of that Act.

Heidelberg Road Corridor – Local Area Plan and Built Form Framework

7. The Heidelberg Road Corridor project study area covers the section of Heidelberg Road between Merri and Darebin Creeks, the border of the Darebin and Yarra LGAs. In 2019, Yarra and Darebin Councils worked collaboratively to research the existing context of Heidelberg Road, including existing planning controls, development applications and built form conditions. During this initial phase, a draft Local Area Plan for the Heidelberg Road Corridor was created, which provides the framework for ongoing strategic planning.
8. For Darebin, there is a focus on several precincts that are largely zoned for industrial use (IN3Z), with a commercial (C1Z) precinct located at the eastern end of the study area in Alphington. Industrial land does not permit residential uses, and this generally limits the scale of development on these sites. A public acquisition overlay (PAO1) also limits development potential by reserving the site frontage for the purposes of road widening, to a depth of 11m to 13m.

9. Broad community engagement and consultation occurred between June and August 2021. The community's views on the Heidelberg Road Heritage Assessment were canvassed along with other documents that form the Local Area Plan and Built Form Framework. The engagement findings around heritage yielded a broad level of community support.
10. In September 2021, Council decided to commence an amendment to apply heritage overlay protection to the identified locally significant places.
11. Heritage consultants GML Heritage (formerly Context) were engaged by Council to carry out the Heidelberg Road Heritage Assessment 2020 ('the Heritage Assessment'), which forms the basis of the Amendment and recommends the following properties meet the highest 'individually significant' local heritage grading for inclusion in a permanent heritage overlay in the Darebin Planning Scheme:
 1. Former Fairfield Hat Mills Complex, 159-179 Heidelberg Road, Northcote
 2. Residence, 257 Heidelberg Road, Northcote
 3. Church of Jesus Christ of the Latter-day Saints, 273-289 Heidelberg Road, Northcote
 4. Former residence, 331-333 Heidelberg Road, Northcote (subject to Interim Heritage Overlay control as part of C200dare)
 5. Marineuie Court, 441 Heidelberg Road, Fairfield
 6. Residence, 521 Heidelberg Road, Alphington
 7. Kia-Ora, 607 Heidelberg Road, Alphington
12. At its Planning Committee meeting on 9 August 2021 Council resolved to protect 331-333 Heidelberg Road, Northcote from impending demolition via Planning Scheme Amendment C200dare. The Minister for Planning approved C200dare and the property is now protected by an interim Heritage Overlay in the Darebin Planning Scheme on a temporary basis until 30 October 2022.
13. Amendment C203dare seeks to implement the recommendations of the Heidelberg Road Heritage Assessment 2020 by:
 - 13.1 Amending the Schedule to Clause 43.01 (Heritage Overlay) and Planning Scheme Map 17HO and 18HO to apply the Heritage Overlay (HO321, HO322, HO323, HO324, HO325, HO326 and HO327) to seven identified properties along the Heidelberg Road corridor
 - 13.2 Amending the Schedule to Clause 72.04 (Documents Incorporated in this Planning Scheme) to include the updated incorporated document City of Darebin Heritage Study Incorporated Plan – permit exemptions (2011, amended 2021) and include the statements of significance for each of the seven properties.
 - 13.3 Amending the Schedule to Clause 72.08 (Background documents) to reference the *Context Heidelberg Road Heritage Assessment report- Final Report, September 2020*
14. A more detailed description of the Amendment is outlined in the Explanatory Report.

CHRONOLOGY OF EVENTS

15. At its meeting held on 26 April 2021 Council resolved:

'That Council:

(1) Engage the community on the proposed planning response for the Heidelberg Road Corridor, including the Draft Heidelberg Road Corridor Local Area Plan and background studies.

(2) In the engagement, consult also on a second option that varies the proposed response to:

a. retain the current industrial zones, and

b. make the maximum overall building heights and street wall heights mandatory

c. ask relevant stakeholders what they recommend the maximum building heights and street wall heights should be.'

(3) Report back to Council on community feedback and technical advice in regard to both options

16. At its Planning Committee meeting held on 9 August 2021, Council resolved the following in relation to the interim Heritage Overlay for 331-333 Heidelberg Road, Northcote:

'That Council

(1) Request the Minister for Planning prepare and approve Amendment C200dare to apply an interim heritage overlay to the Darebin Planning Scheme, pursuant to section 20(4) of the Planning and Environment Act 1987.

(2) Authorise the Manager City Futures to make minor alterations and corrections, where necessary, to the Amendment C200dare material as attached prior to the lodgement of the request with the Minister for Planning.

(3) Note that the affected landowner will have the opportunity to present their case and participate in the planning scheme amendment process for permanent heritage controls.'

17. At its meeting held on 27 September 2021, Council resolved the following in relation to the application of permanent heritage provisions for the seven properties:

'That Council

(1) Endorses the Heidelberg Road Heritage Assessment by Context and the statements of significances as recommended in the report.

(2) Requests the Minister for Planning authorise the preparation and exhibition of Amendment C203dare to the Darebin Planning Scheme, pursuant to section 8A of the Planning and Environment Act 1987.

(3) When authorised by the Minister for Planning, exhibits Amendment C203dare to the Darebin Planning Scheme in accordance with notice requirements under section 19 of the Planning and Environment Act 1987.

(4) Authorise the Manager City Futures to make minor alterations and corrections, where necessary, to the Amendment C203dare documentation.

(5) In response to any more demolition applications under Section 29a of the Building Act 1993 for properties included in Amendment C203dare, authorise the Chief Executive Officer to request the Minister for Planning prepare and approve an amendment under Section 20(4) of the Planning and Environment Act 1987 to apply an interim Heritage Overlay, while permanent heritage controls via Amendment C203dare is considered.'

Authorisation

18. By letter dated 19 October 2021, DELWP under delegation from the Minister for Planning authorised Council to prepare the Amendment.
19. The Minister for Planning's delegate authorised the Amendment subject to recommendations as follows:
 - 19.1 The Explanatory Report be revised prior to exhibition. Specifically, the Heritage Overlay maps should be removed and replaced with a mapping reference table as an attachment, consistent with the standard template for an Explanatory Report.
 - 19.2 The Instruction Sheet be updated to delete point 5. "In City of Darebin Heritage Study Incorporated Plan- Permit Exemptions (2011, amended 2021) update the existing plan with an addition to the table at 3.2 within Section 3.3 heritage precincts in the business zones and a new map at Attachment A" and to refer to amending a total of 6 attached map sheets in the manner shown on the 6 attached maps.
 - 19.3 The Statements of Significance be separated and submitted as individual documents relating to individual sites, and references to the statements in the schedule to 43.01 be updated accordingly
20. Council considered the delegate to the Minister for Planning's recommendations and decided to update all documents accordingly.

Formal Exhibition

21. Council exhibited the Amendment between 11 November to 13 December 2021 by:
 - 21.1 sending a letter to 44 affected landowners/occupiers on 9 November 2021;
 - 21.2 sending a letter to 244 adjoining landowners/occupiers on 17 November 2021;
 - 21.3 publishing a notice in The Government Gazette and The Age Newspaper on 11 November 2021;
 - 21.4 emailing contacts to previous consultation about the Heidelberg Road Corridor Planning Project on 12 November 2021;
 - 21.5 emailing Government Authorities (prescribed Ministers, Local members of parliament, adjoining municipalities of Yarra and Banyule, on 11 November 2021;

- 21.6 updating the Darebin City Council Community Consultation Your Say website and Council corporate website on 11 November 2021; and
- 21.7 publishing amendment documentation on the DELWP website on 11 November 2021.
22. At the end of the exhibition period C203dare received a total of four (4) submissions.
23. Two submissions support the amendment and two oppose the amendment. A more detailed summary of the submissions and Council planning officer's response and recommendations is detailed in the 11 April 2022 Planning Committee Report.
24. At its Planning Committee meeting on 11 April, 2022 Council resolved to proceed with submitting the amendment and all submissions to an independent planning panel for their review and recommendations

'That Council

(1) Considers all written submissions made to Amendment C203dare to the Darebin Planning Scheme (heritage controls).

(2) Requests that the Minister for Planning appoint an independent Planning Panel to consider submissions to Amendment C203dare.

(3) Refers all submissions to the independent Planning Panel to be appointed by the Minister for Planning.

(4) Endorses the response to submissions outlined in this report and recommended minor changes to the Amendment documents (Appendix B, Appendix C, and Appendix E) to form the basis of Council's submission to an independent Planning Panel.

(5) Authorises the Manager City Futures to make alterations and corrections, where necessary to the Amendment documents that do not change the intent of the Amendment C203dare.

(6) Writes to all submitters to inform them of Council's decision to progress the heritage Amendment C203dare to an independent Planning Panel.

(7) Notes the results of the 2021 Heidelberg Road Corridor community engagement (Appendix G) and the need for further work to progress the land use and built form provisions.

(8) a) Notes that prior to council adopting the final version of the Heidelberg Road Corridor land use and built form provisions, it would be subject of a formal planning scheme amendment process.

b) This will include formal notification to give the community an opportunity to provide feedback and make submissions on the changes made.

c) Part of the formal notification material will include a simplified report comparing the differences between the current Industrial Zones with the proposed Commercial 1, 2 and 3 Zones, and describing the impacts this will have to the corridor, to ensure the community are well informed about the proposed changes.

(9) a) Directs the Manager City Futures to commission an independent Heritage Consultant to undertake a further review of the potential heritage significance of the following properties, and make a recommendation as to whether they should be included within a Heritage Overlay:

- i. 671 - 675 Heidelberg Road*
- ii. 725-727 Heidelberg Road*
- iii. 737 Heidelberg Road*
- iv. 749-751 Heidelberg Road*

b) In the event that the Heritage Consultant recommends that any of these properties be included within a Heritage overlay, this would be included within the scope of the Heidelberg Road Corridor land use and built form provisions Planning Scheme Amendment.

STRATEGIC CONTEXT AND ASSESSMENT

Why is the Amendment required?

25. The following material is relevant to the strategic justification of this Amendment.

Objectives of Planning in Victoria

26. The Amendment will support and assist with implementing the objectives of planning in Victoria as outlined in Section 4 of the Act.

27. In particular, the Amendment responds to the following objectives:

27.1 To provide for the fair, orderly, economic and sustainable use, and development of land.

27.2 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.

27.3 To balance the present and future interests of all Victorians.

27.4 To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.

27.5 To facilitate development in accordance with the objectives outlined above.

28. The amendment will advance these objectives by protecting properties of individual heritage significance, which have historical interest and will preserve these buildings for present and future Victorians.

Ministerial Directions

29. The following Ministerial Directions are relevant to the Amendment.

Form and Content of Planning Schemes

30. The Amendment will need to comply with the required Form and Content of Planning Schemes. The Amendment was prepared having regard to this Ministerial Direction.

Ministerial Direction No. 9 – Metropolitan Planning Strategy (Amended 30 July 2018)

31. The Amendment has had regard to the Metropolitan Planning Strategy and Plan Melbourne 2017-2050: Addendum 2019, and the Explanatory Report discusses the relevant matters identified in this Ministerial Direction.

Ministerial Direction No. 11 – Strategic Assessment of Amendments (Amended 30 July 2018)

32. Ministerial Direction No. 11 seeks to ensure a strategic evaluation of a planning scheme amendment and the outcomes it produces.
33. The preparation of the Explanatory Report has fulfilled the requirements of this direction.

Ministerial Direction No. 15 – The Planning Scheme Amendment Process (Amended 30 July 2018)

34. The Amendment has complied with the directions contained in this Ministerial Direction.
35. The preparation of the Explanatory Report has fulfilled the requirements of this direction.

Practice and Advisory Notes

36. The Amendment is consistent with the following DELWP Practice and Advisory Notes:
- 36.1 PPN1 – Applying the Heritage Overlay;
 - 36.2 PPN46 – Strategic Assessment Guidelines; and
 - 36.3 PPN77 – Pre-setting Panel Hearing Dates.

Planning Policy Framework (PPF)

37. The following clauses of the PPF are relevant to this Amendment:
- 37.1 Clause 11.01-1R – Settlement – Metropolitan Melbourne;
 - 37.2 Clause 15 – Built Environment and Heritage;
 - 37.3 Clause 15.03 – Heritage;
 - 37.4 Clause 15.03-1S – Heritage Conservation;
 - 37.5 Clause 16 – Housing;
38. The Amendment will implement these clauses of the PPF as set out in the Explanatory Report. Council adopts that assessment as part of this submission.

Local Planning Policy Framework (including MSS)

39. The following clauses of the LPPF are relevant to the Amendment:

39.1 Clause 21.01- Introduction

39.2 Clause 21.02-4 Heritage

39.3 Clause 21.03-4 Housing Character

40. The Amendment will implement these clauses of the LPPF as set out in the Explanatory Report. Council adopts that assessment as part of this submission.

Strategic Assessment guidelines

41. The strategic justification for the Amendment has been addressed under the questions that form the Strategic Assessment Guidelines as part of the Explanatory Report. Council adopts that assessment as part of this submission.

The Heritage Assessment

42. The heritage assessment undertaken by GML Heritage (formerly Context), the Heidelberg Road Heritage Assessment, September 2020 comprehensively outlines the heritage significance of the seven individual properties identified that are recommended for inclusion in the heritage overlay.

43. The assessment includes detailed place citations and statements of significance for each of the seven individual heritage properties. This assessment is the key document which has informed the creation and submission of this Amendment. Please refer to this assessment for a comprehensive analysis of the heritage significance of the seven individual properties.

44. The GML Heritage Statement of Evidence responds to submissions and makes minor updates and clarifications to the heritage assessment and proposed citations. More on this will be covered in the evidence and also Council's Part B submission.

CONCLUSION

45. Council requests that if Planning Panels Victoria has any questions or clarifications regarding this submission to please contact the planning officers listed below.

46. This completes Council's Part A Submission.

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City Futures, Darebin City Council

1 July 2022