

Draft Post-War Modern Residential Heritage Study 2022

Consultation Report

1 Contents

Overview of Project	3
2 Definitions and scope.....	5
2.1 Related Council documents and consultations	7
3 Consultation process.....	8
3.1 Consultation purpose	8
3.2 Consultation methodology.....	8
3.3 Communications channels and reach	9
4 Consultation findings.....	10
4.1 Summary of Submissions and Council Response.....	12
5 Project evaluation.....	110
6 Appendix	111
6.1 Have Your Say Property owners submission form	111
6.2 Have Your Say Interested community members/groups submission form	112

Overview of Project

Bayside is home to many mid-century properties thanks to a concentration of innovative architects building in the years following World War II. Mid-century modern architecture plays a pivotal role in creating neighbourhood identities and iconic local streetscapes, which are highly valued by our community.

Bayside City Council appointed GJM heritage consultants to prepare the draft Post-War Modern Residential Heritage Study 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.

All local governments across Victoria are responsible for protecting local heritage. This includes the application of the Heritage Overlay to properties identified as being of heritage significance.

Community and stakeholder engagement

Council conducted a consultation process to gather feedback on the draft Post-War Modern Residential Heritage Study from property owners and key stakeholders between 7 February – 30 April 2022. The draft Post-War Modern Residential Heritage Study is not a finished or adopted document of Council.

The purpose of this community consultation period was to seek any information from property owners to either support or challenge the findings identified within the draft Statement of Significance for their property.

Within the draft Study 177 properties were originally identified – this was documented as 98 'places' and one 'group listing'. Overall, there were 105 submissions received.

The majority of submitters were property owners of homes identified in the draft Post-War Modern Residential Heritage Study. Many of these property owners expressed opposition to the findings of the draft Study, and the potential inclusion of their home on the Heritage Overlay.

Overall, 21 of the submitters were in support of the draft Study, 82 opposed, and 2 submitter undecided. Many issues raised by submitters in opposition were in relation to:

- Concern that a Heritage Overlay would impact property value;
- Concern that there would be an increase in costs to maintain a heritage home;
- Concern that heritage protection prevents the owner from renovating their home;
- That the Heritage Overlay should be voluntary in nature;
- That the process has been unfair and that the Heritage Overlay should not be applied to private property; and
- Misunderstanding of the application of the Heritage Overlay, and how it can be applied to an individual property and not a complete street / vicinity.

While many submitters felt that there are properties that are 'worth saving' they were of the opinion that their home was not, and that their home should not be considered as heritage significant. Many of the submitters that were property owners provided detailed information outlining the changes that had occurred to their property over the years, and supported this with photographic evidence, which greatly assisted revisions of the draft Study.

Following the finalisation of consultation, 10 properties were found to no longer meet the threshold for local heritage significance. There are now 160 properties still identified within the revised version of the Study.

Next steps

Following the closure of the consultation period on 30 April 2022, the next steps are outlined as follows:

Wednesday 8 June 2022	<p>Agenda circulated for Delegated Committee Hearing in relation to the draft Post-War Modern Residential Heritage Study</p> <ul style="list-style-type: none"> • Revised draft Study published in this agenda (and on Council's Have Your Say page) • Consultation Report that is inclusive of the summary of submissions and officers' response is published in this agenda (and on Council's Have Your Say page) • Webform open to: Request to Speak and/or provide a Written Statement to the Hearing
Tuesday 14 June 2022	<p>Requests to Speak / Written Statements webform closes at 9am</p> <ul style="list-style-type: none"> • list of speakers and written statements (in full) circulated to Councillors and published on Agendas page of Council's website (12pm)
Wednesday 15 June 2022	<p>Delegated Committee Hearing to hear from property owners directly affected by the draft Heritage Study</p> <ul style="list-style-type: none"> • meeting is solely to hear submissions • no Councillor debate or decision sought at this meeting
Thursday 16 June 2022 at 6.00pm	<p>Delegated Committee Hearing to hear from individuals and groups/organisations wishing to speak in more general terms on heritage</p> <ul style="list-style-type: none"> • meeting is solely to hear submissions • no Councillor debate or decision sought at this meeting
Wednesday 13 July 2022	<p>Agenda for Council Meeting circulated</p> <ul style="list-style-type: none"> • report will include Officer's final recommendation.
Tuesday 19 July 2022 at 6.30pm	<p>Ordinary Council Meeting (no further statements or requests to speak permitted)</p> <p>Council to make decision whether to:</p> <ul style="list-style-type: none"> • adopt the study (with or without changes) • commence a Planning Scheme Amendment process to apply the Heritage Overlay to the recommended places

Background

Council resolved to commence the Mid-Century Modern Heritage Study at its Ordinary Council Meeting on 23 June 2020. The name of the study was subsequently revised to the Post-War Modern Residential Heritage Study to accurately reflect the scope of the Study.

The draft Post-War Modern Residential Heritage Study is a document prepared by GJM Heritage for Bayside City Council. The purpose of the Study is to identify residential buildings and precincts constructed within the municipality in the post-war period (between 1945 and 1975) and to determine whether they satisfy the threshold for local heritage significance and inclusion in the Heritage Overlay of the Bayside Planning Scheme.

The draft Study comprised various phases: documentation review, desktop fieldwork, on-site fieldwork, detailed heritage assessments, and preparation of draft Statements of Significance. The draft Study is structured into three volumes:

- Volume 1 documents the methodology for the draft Study and provides a summary of its findings and recommendations
- Volume 2 contains the Contextual History: Post-War Modernism in the City of Bayside; and
- Volume 3 contains the draft heritage citations and Statements of Significance for those places recommended for inclusion in the Heritage Overlay.

The methodology adopted for the draft Study accords with the Victorian Planning Provisions *Planning Practice Note 1: Applying the Heritage Overlay* and the principles of the ICOMOS Burra Charter (including its guidelines for understanding and assessing cultural significance).

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.'

The engagement process for this consultation period on the draft Study was designed to provide identified stakeholders with the opportunity to provide feedback on the draft Study, and provide sufficient time for stakeholders to speak with Council officers either over the phone, in person or online via a video conference.

177 properties were originally identified within the draft Study – this was documented as 98 'places' and one 'group listing'. Following the finalisation of consultation, 10 places (17 properties) were found to no longer meet the threshold for local heritage significance. There are now 160 properties still identified within the revised version of the Study. If any further changes are to occur, this will be made prior to the Study being presented for adoption at its Ordinary Meeting on 19 July 2022.

The consultation period on the draft Post-War Modern Residential Heritage study has completed with feedback from property owners and stakeholder groups provided. Council has established a Delegated Committee of Council with the sole purpose to hear submissions in relation to the draft Study and have submitters present their views directly to the Delegated Committee, comprised of all Councillors.

The Delegated Committee Hearings will take place on the Wednesday 15 June and Thursday 16 June 2022. There will be no Councillor debate or decision to be made at the Delegated Committee Hearings as this forum has been created specifically to hear from submitters in advance of Council's decision at its 19 July 2022 Ordinary Meeting.

At the 19 July 2022 Ordinary Meeting, Council will consider whether to adopt the Study (with or without changes) and commence a Planning Scheme Amendment process to apply the Heritage Overlay to the recommended places.

2 Definitions and scope

The consultation period was designed to seek feedback from property owners and key stakeholders to either support or challenge the findings identified within the draft Study.

Communication materials were designed to provide comprehensive information on the draft Study, the application of the Heritage Overlay and FAQs to assist property owners understanding of the heritage process.

The community engagement process was designed to provide property owners with properties identified in the draft Study the opportunity to provide feedback and to contact Council officers to further discuss any queries they may have. An overview of the consultation process was published on Council's Have Your Say website: www.yoursay.bayside.vic.gov.au/post-war-heritage/engagement-plan-overview

The scope of the engagement was defined as follows:

What can the community influence?

Based on the factual information provided to Council in Phase 1 engagement, each respective property owner can provide further information that will assist or challenge the findings in relation to their property. If the information provided has identified extensive alterations or disrepair and this influences Council's heritage consultants assessment of the place, the property may be removed from the draft Post-War Modern Residential Heritage Study. Community groups are also encouraged to provide any historic information they may have on the identified properties to assist the final assessment.

What can't the community influence?

If the property owner is unable to provide any factual information that would suggest that their property is not of heritage significance, Council will not consider removing this property from the final version of the Post-War Modern Residential Heritage Study. The opportunity to debate the merits of inclusion in the Heritage Overlay will come through the Planning Scheme Amendment process.

Stakeholders and community

The findings of the draft Study are site specific and therefore affect and is of greatest interest to the property owners of those properties identified. Heritage matters are also of interest to community heritage organisations and action/interest groups, as well as the State government and the National Trust Victoria.

This stakeholder assessment is a generalised understanding of sections of the community that have a connection to the project or matter. This information was used to understand the types of tools and techniques that will achieve the strongest and most effective outcomes for engagement and communication.

Impact: What level of change will the stakeholder / community segment experience as a result of the project/matter

Interest: What level of interest has been expressed or is anticipated

Influence: Reference to the IAP2 Spectrum.

Stakeholder / community – Phase 1	Impact	Interest	Influence
Owners of property identified in the Study	H	H	Involve
Community members/groups with an identified interest/impact	M	H	Consult
Stakeholder / community – Phase 2 (Planning Amendment Process)	Impact	Interest	Influence
Owners of property identified in the Study	H	H	Consult
Community heritage organisations	M	H	Consult
Community action/interest groups	M	H	Consult
Historical Societies	M	H	Consult
General Bayside community	L	L	Consult

Level of engagement

Engagement on the draft Study was assigned at the 'Involve' level for high interest/impact

stakeholders and is consistent with Council's *Community and Stakeholder Engagement Policy 2021* and Bayside's application of the IAP2 Public Participation spectrum.

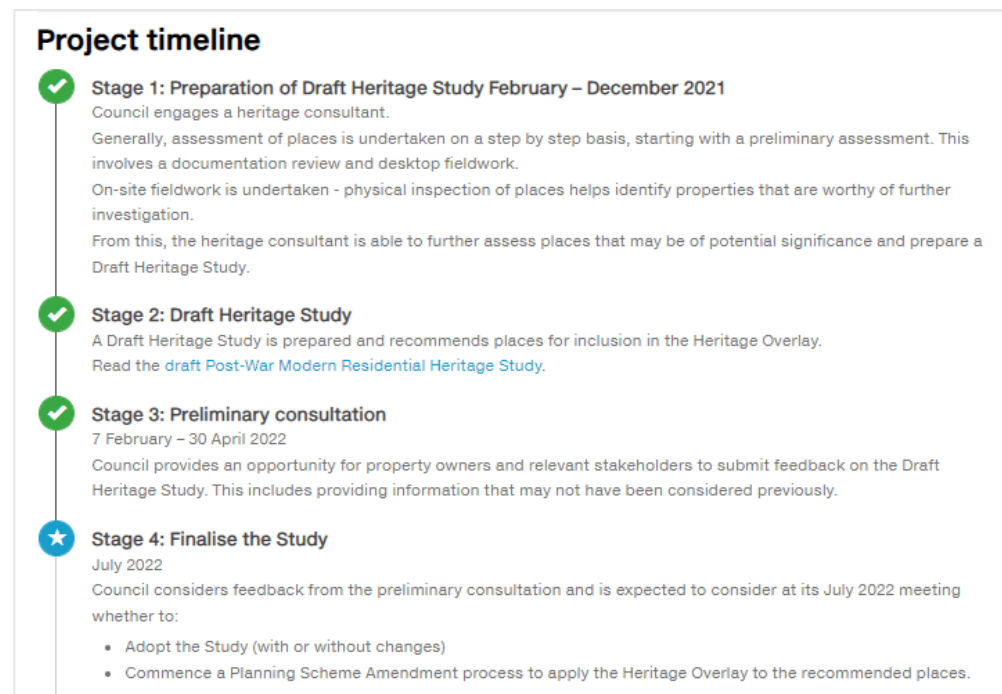
2.1 Related Council documents and consultations

- Bayside City Council Plan 2021 - 2025
- Bayside 2050 Community Vision
- Bayside Housing Strategy 2019
- Bayside Heritage Action Plan 2020
- Bayside inter-war and post-war heritage study 2010
- Bayside Draft post-war modern residential heritage study
- Neighbourhood Character Review
- Community and Stakeholder Engagement Policy 2021

3 Consultation process

3.1 Consultation purpose

The purpose of the consultation process was to seek feedback on the draft Study to inform the revised version of the Study to be considered by Council in July 2022.



3.2 Consultation methodology

The engagement process was open to all members of the Bayside community as well as interested stakeholder groups.

The engagement plan considered the project's complexity, the level of change/impact, and reputational risks. This project was assessed as 'Involve' level of engagement on Bayside's application of the IAP2 Public Participation Spectrum.



The tools and techniques selected for this project were informed by the project content, stakeholders and type of feedback sought.

At the commencement of consultation, property owners were sent a letter informing them of the preparation of the draft Study and that consultation would occur until 30 April 2022. The relevant draft Statement of Significance was attached to this letter for each property owner to review and provide any factual information to assist the assessment prepared by Council's heritage consultant. A brochure was also attached which provided further information about the draft Study, consultation period and heritage matters.

Project information and the draft Study were also made available digitally and continue to be available following the closure of the consultation period on 30 April 2022.

The following engagement activities were undertaken:

- Letter to property owners including draft Statement of Significance and information brochure;
- Email to project subscribers and key stakeholders with information on the draft Post-War Modern Residential Heritage Study assessment and engagement process;
- Information published on Council website, Have Your Say website and e-newsletter, This Week in Bayside (Average 9,500 recipients);
- Information published in *Let's Talk Bayside* magazine (41,000 recipients);
- Site inspections with GJM Heritage and property owners, where consent was provided;
- 1:1 meetings with Council officers (available over the phone, in person and online via video conference); and
- Printed materials available on request.

The following table provides detail of each activity undertaken within the consultation period.

Table 1: Engagement activities and participation

Details	Activity
7 February to 30 April 2022	Phase 1 Consultation Process engaged the following: Affected Property Owners
177 letters sent	- Registered mail out to all affected property owners with draft Statement of Significance and brochure
18 meetings	- Opportunity for 1 on 1 conversations requested through HYS page; phone call, in person or via video conference.
11 site inspections	
105 submissions received	The online Have Your Say project pages included information on heritage and an open question and answer forum. Three questions were received. The primary means of collecting feedback on the page was via a submission.
3 questions received via Have Your Say webpage	There were two submission forms provided: one for individual property owners and the other for community members and interest groups.
	The Engagement Plan Overview for this project was published and open for feedback, with no comments recorded.
Site inspections and individual meetings	Site visits to properties were welcomed, where consent was provided. It was written in Council's brochure to property owners that while to date Council's heritage consultant has only undertaken site inspections from the public realm, any on-site inspection would greatly assist the finalisation of the draft Study. 11 site inspections were undertaken by Council's heritage consultant with the consent of property owners. 18 meetings were had with property owners.
E-mail / Phone call enquiries >400	There were over 400 emails and phone calls made to Council officers regarding the study following the commencement of consultation.

3.3 Communications channels and reach

The purpose of the consultation process was to inform and consult with property owners that have properties identified in the draft Study, as well as key stakeholder groups that have a connection to the project or matter.

While Council provided further information on platforms including 'Let's Talk Bayside', the Council website, Have Your Say and 'This week in Bayside' articles, the consultation was primarily targeted at affected property owners and key stakeholders.

There were 4,316 views of the Have Your Say draft Study webpage from 1,299 visitors.

4 Consultation findings

The following section summarises the key themes which arose in community feedback on the draft Post-War Modern Residential Heritage Study.

This is followed by a summary and response to all submissions received.

Key Theme in Submissions	Officer Response
Impacts to property value due to the application of the Heritage Overlay	<p>Submissions raised concerns in relation to property value and that the Heritage Overlay would diminish the value of their property.</p> <p>Council notes that property values are not a planning matter and is generally not a relevant consideration under the <i>Planning and Environment Act 1987</i> or the Bayside Planning Scheme. It is noted that property value can go up and down for a number of reasons (including but not limited to):</p> <ul style="list-style-type: none"> • The quality of the building/dwelling • The location and size of the building/dwelling • Market conditions and seasonal fluctuations; • Amenity; • The state of neighbouring properties; • Building use; • Rental return; and • Economic conditions. <p>It is therefore difficult to isolate the specific effects of a heritage listing and whether a Heritage Overlay alone impacts the 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 factors influencing property 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.</p>
Perceived restriction of the Heritage Overlay	<p>Many property owners were concerned that the Heritage Overlay would restrict what they can and can't do on their property.</p> <p>The Heritage Overlay does not prevent owners from renovating their home or undertaking alterations and additions.</p> <p>It is noted that the draft Study has not recommended internal controls be applied to any of the identified properties. That means that any changes to the house</p>

internally would not require a planning permit for heritage reasons.

With regard to changes to the external, it is clarified that the Heritage Overlay does not prevent change, but it does provide a control to ensure that changes are done in a way that respects the values of the place.

There are no requirements under State legislation to maintain a locally significance heritage place to a certain standard. However, all homeowners do have a responsibility to maintain their homes to a habitable state.

General maintenance, repair and replacement of failed elements (roofing, rainwater goods, windows, doors etc) on a like-for-like basis do not require a permit. Changes that alter the appearance and fabric of the building will require approval (either a through a planning permit or a streamlined VicSmart permit).

Objection to the “mandating” of the Heritage Overlay and the desire to see a voluntary approach take place.

Council has previously undertaken a voluntary heritage nomination approach which was not supported by the Minister for Planning as it was considered the process did not adequately fulfil 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.

Compensation should be explored by Council to assist property owners with the Heritage Overlay upon their property.

An action from the *Heritage Action Plan 2020* is to investigate opportunities to further support owners of heritage properties. This is scheduled to commence in 2025/26.

Council may waive fees for planning permits if the Heritage Overlay is the only requirement for a permit.

Council does not currently have a funding or grant schemes in place to assist owners of heritage properties with property maintenance.

Any consideration of funding schemes falls outside the scope of the draft Post-War Modern Residential Heritage Study.

4.1 Summary of Submissions and Council Response

In the interest of stakeholder and community privacy, any information pertaining to property addresses or the submitters name have not been included within this document.

The information below is provided in this public document for transparency.

No.	SUBMISSION	Property address	Council Officers Response
1	<p>Support</p> <p>Submitter provides a statement providing general support for the implementation of the draft Study was provided and urging Council to have an effective engagement campaign to tackle the misconceptions surrounding the restrictive nature of Heritage Overlays and the effect on house prices. The notion of incentives to properties owners to embrace the Heritage Overlay was raised in the form of rate relief.</p>	N/A - Submission not relating to a specific property	<p>Support for the draft Study is noted.</p> <p>Through the consultation on the draft Post-War Modern Residential Heritage Study, Council provided information to assist property owners understanding of heritage matters and the significance of post-war development in Bayside.</p> <p>An action from the <i>Heritage Action Plan 2020</i> is to investigate opportunities to further support owners of heritage properties. This is scheduled to commence in 2025/26.</p> <p>Council may waive fees for planning permits if the Heritage Overlay is the only requirement for a permit.</p> <p>Council does not currently have a funding or grant schemes in place to assist owners of heritage properties with property maintenance.</p> <p>Any consideration of funding schemes falls outside the scope of the draft Post-War Modern Residential Heritage Study.</p>
2	<p>Support</p> <p>Submitter provides a statement providing general support for the implementation of the draft Study and noting the high quality of the report.</p>	N/A - Submission not relating to a specific property	<p>Support for the draft Study is noted.</p>
3	<p>Oppose</p> <p>The submitter does not support the inclusion of their property in the Heritage Overlay due to the potential impact on the resale value of the property.</p>	20 Emily Street, Beaumaris	<p>Objection to the draft Study is noted.</p> <p>Council notes that property values are not a planning matter and is generally not a relevant consideration under the <i>Planning and Environment Act 1987</i> or the</p>

	<p>Submitter is of the opinion that the post-war period of housing in Beaumaris and surrounding areas is worthy of being recorded in history but does not believe that the mass-produced affordable houses, made with the materials available at the time needs to be preserved.</p>		<p>Bayside Planning Scheme. It is noted that property value can go up and down for a number of reasons (including but not limited to):</p> <ul style="list-style-type: none"> • The quality of the building/dwelling • The location and size of the building/dwelling • Market conditions and seasonal fluctuations; • Amenity; • The state of neighbouring properties; • Building use; • Rental return; and • Economic conditions. <p>It is therefore difficult to isolate the specific effects of a heritage listing and whether a Heritage Overlay alone impacts the 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 factors influencing property 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.</p> <p>With regard to the significance of development in the post-war period, Council disagrees that these homes should not be protected. The draft Study has identified and recommended places considered to meet the threshold for local heritage significance and it is important to ensure these places are protected. Mid-century modern architecture plays a pivotal role in creating neighbourhood identifies and iconic local streetscapes, which are highly valued by our community.</p> <p>A minor edit has been made to the revised Statement of Significance to identify the building company that built the home.</p>
4	<p>Oppose</p> <p>The submitter does not support the inclusion of their property in the Heritage Overlay due to the</p>	1-6/5-7 Red Bluff Street, Black Rock	<p>Council notes that property values are not a planning matter and is generally not a relevant consideration under the <i>Planning and Environment Act 1987</i> or the</p>

	<p>potential impact on the resale value of the property, the number of alterations that have occurred and perceived inaccuracies within the Statement of Significance.</p>		<p>Bayside Planning Scheme. It is noted that property value can go up and down for a number of reasons (including but not limited to):</p> <ul style="list-style-type: none"> • The quality of the building/dwelling • The location and size of the building/dwelling • Market conditions and seasonal fluctuations; • Amenity; • The state of neighbouring properties; • Building use; • Rental return; and • Economic conditions. <p>It is therefore difficult to isolate the specific effects of a heritage listing and whether a Heritage Overlay alone impacts the 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 factors influencing property 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.</p> <p>Details of alterations that have occurred were provided to Council's heritage consultant and a site inspection was undertaken. The Statement of Significance and Heritage Citation have been updated to reflect a more accurate understanding of the place.</p>
5	<p>Oppose</p> <p>The submitter agrees with the fundamental principle that places of heritage significance need protection, however does not believe the heritage listing process is fair or equitable.</p> <p>The submitter suggests an alternative option that Council buy these properties with the intention of placing heritage controls on the property then</p>	N/A - Submission not relating to a specific property	<p>Objection to the Heritage Process noted.</p> <p>Under the <i>Planning and Environment Act 1987</i>, 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 is not a responsibility individually allocated to Bayside City Council. All other Victorian Councils must uphold this responsibility by preparing heritage studies and introducing the Heritage Overlay on properties identified as heritage significant. Council has no ability to influence the legislative process for heritage protection as this is set by the State Government.</p>

	<p>reselling the property with the Heritage Overlay applied.</p> <p>The submitter states that if the community wants to save these buildings then the community should absorb any financial costs.</p>		<p>It is not a realistic proposition for Council to purchase all potential heritage properties as there are currently over 1,000 properties within the Heritage Overlay. The basis of the entire Victorian Planning system is to ensure that controls exist to regulate the use and development of land. It is not practical or reasonable for public authorities to purchase or acquire land only at the time of sale to limit the demolition of a dwelling. Demolition controls can exist for a range of reasons and are not strictly related to heritage controls.</p>
6	<p>Oppose</p> <p>The submitter does not support the inclusion of their property in the Heritage Overlay as they are of the consideration that the house is at the end of its useful life and requires significant maintenance. The submitter has also stated that if Council wishes to control the retention of these sort of premises, they should purchase and preserve them. The submitter also states that should Council impose any overlay on their property, they reserve the right to seek financial compensation for damages and loss as required.</p>	<p>132 Tramway Parade, Beaumaris</p>	<p>Objection to the draft Study noted.</p> <p>Council requested property owners to provide any factual information regarding the intactness and integrity of their home. The submitter did not provide any evidence to support their comments regarding the state of the house and its intactness.</p> <p>It is not a realistic proposition for Council to purchase all potential heritage properties as there are currently over 1,000 properties within the Heritage Overlay. The basis of the entire Victorian Planning system is to ensure that controls exist to regulate the use and development of land. It is not practical or reasonable for public authorities to purchase or acquire land only at the time of sale to limit the demolition of a dwelling. Demolition controls can exist for a range of reasons and are not strictly related to heritage controls.</p> <p>An action from the <i>Heritage Action Plan 2020</i> is to investigate opportunities to further support owners of heritage properties. This is scheduled to commence in 2025/26.</p> <p>Council may waive fees for planning permits if the Heritage Overlay is the only requirement for a permit.</p> <p>Council does not currently have a funding or grant schemes in place to assist owners of heritage properties with property maintenance.</p> <p>Any consideration of funding schemes falls outside the scope of the draft Post-War Modern Residential Heritage Study.</p>

7	<p>Support</p> <p>Submitter provides a statement supporting the preparation of the draft Study. The submitter recognises the importance in Council identifying and protecting its post-war architectural heritage and that this unique heritage is under an immediate risk of being lost due to development pressures. The submitter states that if heritage is lost then Bayside, and Melbourne, will lose significant cultural evidence and identity.</p> <p>The submitter states that the draft Study is of a high standard and reflects the engagement of the community, Council's commitment to the actions that support the retention of Bayside's post-war modern residential architecture. The submitter looks forward to the implementation of the overlays and protections detailed in the study.</p>	N/A - Submission not relating to a specific property	Support for the draft Study is noted.
8	<p>Oppose</p> <p>The submitter does not support the draft Study and does not believe the current process reflects the views or wishes of the Bayside community and leaves listed property owners to bear the cost, personally and financially, with no compensation.</p> <p>The submitter states that heritage should not be used as a tool to control development, and that Council should ensure fair and unbiased rules are applied to planning processes across the board. It should not be a burden for a small percentage of the population to bear, and that voluntary schemes work without angst and anger.</p>	N/A - Submission not relating to a specific property	<p>Objection to the draft Study is noted.</p> <p>Under the <i>Planning and Environment Act</i> 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 is not a responsibility individually allocated to Bayside City Council. All other Victorian Councils must uphold this responsibility by preparing heritage studies and introducing the Heritage Overlay on properties identified as heritage significant. Council has no ability to influence the legislative process for heritage protection as this is set by the State Government.</p> <p>The Draft Post-War Modern Residential Heritage Study follows three previous attempts (2007, 2017, 2018) by Council to conduct studies and planning scheme amendments to identify mid-century modern properties for potential heritage protection and introduce heritage controls (interim and permanent). This includes</p>

			<p>the adoption of an untried voluntary approach to heritage protection which was not supported by the Minister for Planning as it was considered the process did not adequately fulfil Council's responsibilities under the <i>Planning and Environment Act</i> 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.</p> <p>An action from the <i>Heritage Action Plan 2020</i> is to investigate opportunities to further support owners of heritage properties. This is scheduled to commence in 2025/26.</p> <p>Council may waive fees for planning permits if the Heritage Overlay is the only requirement for a permit.</p> <p>Council does not currently have a funding or grant schemes in place to assist owners of heritage properties with property maintenance.</p> <p>Any consideration of funding schemes falls outside the scope of the draft Post-War Modern Residential Heritage Study.</p>
9	<p>Oppose</p> <p>The submitter has parents who live in a property that has been identified in the draft Study. The submitter does not support the inclusion of their property in the Heritage Overlay. There are a number of alterations that have occurred (photos provided) and perceived inaccuracies within the Statement of Significance. The submitter encourages Council to undertake a voluntary scheme of inclusion of the Heritage Overlay.</p>	148 Weatherall Road, Cheltenham	<p>Objection to the draft Study is noted.</p> <p>Information regarding the alterations that have occurred to the property have been provided to Council's heritage consultant, and a site inspection was also undertaken. A revised Statement of Significance has been prepared, removing elements that are no longer considered to contribute to the significance of the place. The Heritage Citation has also been updated.</p> <p>With regard to the submitters suggestion to undertake a voluntary scheme, the Draft Post-War Modern Residential Heritage Study follows three previous attempts (2007, 2017, 2018) by Council to conduct studies and planning scheme amendments 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 was not supported by the Minister for Planning as it was considered the process did not</p>

			adequately fulfil Council's responsibilities under the <i>Planning and Environment Act</i> 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.
10	<p>Oppose</p> <p>The submitter does not support the inclusion of their property in the Heritage Overlay. The submitter is of the opinion that their property lacks structural integrity and that the Heritage Overlay would limit their ability to evolve the building to meet safe building standards.</p> <p>The submitter also notes the carports were designed in era when cars were very small. Redevelopment of the building would need to see the car spaces adequately sized for vehicles of today.</p> <p>The submitter is also of the opinion that the property has very low street appeal and does not utilise land space effectively and therefore limits the redevelopment opportunities.</p>	1-7/150 Beach Road, Sandringham	<p>Objection to the draft Study is noted.</p> <p>The Heritage Overlay does not prevent owners from renovating their home or undertaking alterations and additions.</p> <p>The draft Study has not recommended internal controls be applied to any of the identified properties. That means that any changes to the house internally to ensure safer building standards would not require a planning permit for heritage reasons.</p> <p>With regard to changes to the external features, it is noted that the Heritage Overlay does not prevent change, but it does provide a control to ensure that changes are done in a way that respects the values of the place.</p> <p>General maintenance, repair and replacement of failed elements (roofing, rainwater goods, windows, doors etc) on a like-for-like basis do not require a permit. Changes that alter the appearance and fabric of the building will require approval (either a through a planning permit or a streamlined VicSmart permit).</p>
11	<p>Oppose</p> <p>The submitter does not support the inclusion of their property in the Heritage Overlay. The submitter is of the opinion that their property has already been devalued by Bayside City Council for allowing the development of over 30 apartments in new 3 storey buildings adjacent to their property, and another 3 storey building of 10 apartments due to start construction in the coming months which is also adjoining their property. The submitter states that these developments have taken away their privacy and sunlight and do not want their property</p>	1-8/175 Church Street, Brighton	<p>Objection to the draft Study is noted.</p> <p>The submitter raises concerns with changes that have occurred surrounding the property and Council's attitude to properties and development in general. It is noted that heritage places add to Bayside's local character, and the protection of heritage places can assist in maintaining existing valued neighbourhood character and inform future development (including that of adjoining properties) by ensuring they do not detract from the heritage significance of the heritage place.</p> <p>Council notes that property values are not a planning matter and is generally not a relevant consideration under the <i>Planning and Environment Act</i> 1987 or the Bayside Planning Scheme. It is noted that property value can go up and down for a number of reasons (including but not limited to):</p>

	<p>to be further devalued by a restrictive Heritage Overlay.</p> <p>The submitter is in their late 70s and needs to sell their property to buy into an aged care accommodation and need to obtain a maximum price as their property is their only asset.</p> <p>The submitter does not believe their home warrants a Heritage Overlay and has outlined changes that have occurred at the property over the years.</p>		<ul style="list-style-type: none"> • The quality of the building/dwelling • The location and size of the building/dwelling • Market conditions and seasonal fluctuations; • Amenity; • The state of neighbouring properties; • Building use; • Rental return; and • Economic conditions. <p>It is therefore difficult to isolate the specific effects of a heritage listing and whether a Heritage Overlay alone impacts the 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 factors influencing property 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.</p> <p>Changes that have occurred to the property have been provided to Council's heritage consultant. A revised Statement of Significance has been prepared.</p>
12	<p>Oppose</p> <p>The submitter does not support the inclusion of their property in the Heritage Overlay. The submitter states that there have been various changes to the property over the years and also damage from the roof and rainwater coming in. The submitter is also concerned that the Heritage Overlay will decrease the value of the property. The submitter also recommends that the heritage process should be voluntary and not compulsory.</p>	148 Weatherall Road, Cheltenham	<p>Objection to the draft Study is noted.</p> <p>Information regarding the alterations that have occurred to the property have been provided to Council's heritage consultant, and a site inspection was also undertaken. A revised Statement of Significance has been prepared, removing elements that are no longer considered to contribute to the significance of the place. The Heritage Citation has also been updated.</p> <p>Council notes that property values are not a planning matter and is generally not a relevant consideration under the <i>Planning and Environment Act 1987</i> or the Bayside Planning Scheme. It is noted that property value can go up and down for a number of reasons (including but not limited to):</p> <ul style="list-style-type: none"> • The quality of the building/dwelling • The location and size of the building/dwelling • Market conditions and seasonal fluctuations;

			<ul style="list-style-type: none"> • Amenity; • The state of neighbouring properties; • Building use; • Rental return; and • Economic conditions. <p>It is therefore difficult to isolate the specific effects of a heritage listing and whether a Heritage Overlay alone impacts the 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 factors influencing property 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.</p> <p>With regard to the submitters suggestion to undertake a voluntary scheme, the Draft Post-War Modern Residential Heritage Study follows three previous attempts (2007, 2017, 2018) by Council to conduct studies and planning scheme amendments 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 was not supported by the Minister for Planning as it was considered the process did not adequately fulfil Council's responsibilities under the <i>Planning and Environment Act</i> 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.</p>
13	<p>Oppose</p> <p>The submitter does not support the preparation of the draft Study. The submitter has walked around the area and looked at properties identified and saw very few they consider good examples worth saving. The submitter believes many of the properties are in a poor state of repair and would</p>	N/A - Submission not relating to a specific property	<p>Objection to the draft Study is noted.</p> <p>The Draft Post-War Modern Residential Heritage Study has been prepared by an independent heritage specialist to identify and document places in Bayside which should be considered for heritage protection.</p> <p>Mid-century modern architecture plays a pivotal role in creating neighbourhood identities and iconic local streetscapes, which are highly valued by our community.</p>

	not be good value for money to repair to a heritage standard. The submitter also stated that many houses that they believe are better examples are not identified with in the draft Study.		Council's heritage consultant's expert opinion is that the properties identified within the Draft Post-War Modern Residential Heritage Study may be of local heritage significance. This identification has been based upon research and a site inspection of the properties 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 draft Statement of Significance for each property included in the draft Post-War Modern Residential Heritage Study outlines why the property has been included in the draft Study.
14	<p>Oppose</p> <p>The submitter does not support the inclusion of their property in the Heritage Overlay as they are of the opinion that the home is of low public value, is not a significant design with cheap carports and that the buildings have been built to a minimal design standard.</p> <p>The submitter is concerned that the proposed heritage listing would allow council to dictate the future presentation and use of their property.</p> <p>The submitter is aware of many Council/VCAT approved developments surrounding their home and that has significantly affected their use of the private outdoor and indoor areas of their home. They do not require further disadvantageous council decisions affecting their property.</p> <p>The submitter also outlines various alterations that have been made to their home and other units upon the property and that there is a low level of integrity to the original design of the unit complex. Further, the submitter is of the opinion that the</p>	1-8/175 Church Street, Brighton	<p>Objection to the draft Study is noted.</p> <p>While the submitter may be of the opinion that their home is not worthy of heritage protection, it is Council's heritage consultant's expert opinion that the properties identified within the Draft Post-War Modern Residential Heritage Study may be of local heritage significance. This identification has been based upon research and a site inspection of the properties 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 draft Statement of Significance for each property included in the draft Post-War Modern Residential Heritage Study outlines why the property has been included in the draft Study.</p> <p>Information regarding the alterations that have occurred to the property have been provided to Council's heritage consultant. A revised Statement of Significance has been prepared.</p> <p>It is also noted that the Heritage Overlay is a "place-based" control and does not seek to protect particular views, nor is the heritage significance of a place limited to its presentation to the street. Many places identified in the draft Study are of similar style with basic brick walls and simple flat roofed car ports, as these are popular elements of design from the post-war era.</p>

	<p>architect who designed their home is of no greater value than any other architect and does not represent a strong design character particularly in regard to their building. For these reasons, they do not believe their home warrants an inclusion in a Heritage Overlay.</p> <p>The submitter also states that the street that the road their home is fronting does not contain a great variety of house styles, so there is no important streetscape to preserve. The presentation of the submitters property to the street consists of basic brick walls with simple flat roofed carports, and has none of the style, interest or importance of significant Post-War Modern residences. The submitter is overwhelmed by huge developments around them and need to retain the right to alter their building without Council interference in light of these developments.</p>		
15	<p>Oppose</p> <p>The submitter does not support the inclusion of their property in the Heritage Overlay as they are of the opinion that there will be no advantage, and only great disadvantage to the owners of these properties. Many of the property owners at the submitters address are investing heavily in interior upgrades and feel any increased value gained as a result of this will only be undermined by the Heritage Overlay. The submitter is of the opinion that heritage listing can and will have negative impact on their property and add ongoing costs to ownership.</p>	1-6/5-7 Red Bluff Street, Black Rock	<p>Objection to the draft Study is noted.</p> <p>Council notes that the submitter lives at a property that has an established owners corporation. In an owners corporation type arrangement, heritage listing can be an added means of ensuring individual occupiers do not undertake work that is detrimental to the place as a whole and to other occupiers.</p> <p>The Heritage Overlay does not prevent owners from renovating their home or undertaking alterations and additions. It is noted that the draft Study has not recommended internal controls be applied to any of the identified properties. That means that any changes to the house internally would not require a planning permit for heritage reasons.</p> <p>General maintenance, repair and replacement of failed elements (roofing, rainwater goods, windows, doors etc) on a like-for-like basis do not require a</p>

	<p>There is already a body corporate that has been embedded in the management of the properties at the submitters address and this provides strict guidelines to protect the original design, character, materials and so on. The submitter is of the opinion that the body corporate guidelines alongside the existing application process for Council permits means there are already effective measures in place, without the need for further control.</p>		<p>permit. Changes that alter the appearance and fabric of the building will require approval (either a through a planning permit or a streamlined VicSmart permit).</p> <p>Council notes that property values are not a planning matter and is generally not a relevant consideration under the <i>Planning and Environment Act 1987</i> or the Bayside Planning Scheme. It is noted that property value can go up and down for a number of reasons (including but not limited to):</p> <ul style="list-style-type: none"> • The quality of the building/dwelling • The location and size of the building/dwelling • Market conditions and seasonal fluctuations; • Amenity; • The state of neighbouring properties; • Building use; • Rental return; and • Economic conditions. <p>It is therefore difficult to isolate the specific effects of a heritage listing and whether a Heritage Overlay alone impacts the 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 factors influencing property 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.</p>
16	<p>Oppose</p> <p>The submitter provided the following statement to Council:</p> <p>I do NOT CONSENT to compulsory heritage listing my property in a Heritage Overlay.</p>	1-15/405 Beach Road, Beaumaris	<p>Objection to the draft Study noted.</p> <p>As outlined within this Report previously, under the <i>Planning and Environment Act 1987</i>, 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.'</p> <p>The Draft Post-War Modern Residential Heritage Study has been prepared by an independent heritage specialist to identify and document places in Bayside which should be considered for heritage protection. This is not a responsibility individually allocated to Bayside City Council. All other Victorian Councils must</p>

			uphold this responsibility by preparing heritage studies and introducing the Heritage Overlay on properties identified as heritage significant.
17	<p>Support</p> <p>The submitter recognises the importance to the local amenity to retain houses of architectural and heritage value. The submitter is of the opinion that development of these sites is usually for the singular aim of making a profit with no consideration to the local street visual appeal or community values. The continued erosion of significant building only serves the developer to the detriment of those who live in and enjoy the local area.</p>	N/A - Submission not relating to a specific property	Support for the draft Study is noted.
18	<p>Oppose</p> <p>The submitter does not support the inclusion of their property in the Heritage Overlay as the property has significantly changed over the last 48 years from when the development was built.</p> <p>The submitter does not consider the building as an example of intact post-war medium density housing and is opposed to this for the following reasons:</p> <ol style="list-style-type: none"> 1. The possibility that alterations to the submitters home will be controlled by Bayside City Council is causing stress and the submitter is concerned that this will have both an emotional and financial impact on their life; 	1-6/57 Royal Avenue and 1-6/64 Victoria Street, Sandringham	<p>Objection to the draft Study noted.</p> <p>The alterations that have occurred to external form have been considered by Council's heritage consultant. The Heritage Citation has been revised to note these alterations. It is Council's heritage consultants view that despite some alterations, the property remains substantially intact and retains the ability to be understood and appreciated as an example of a 1970s multi-residential development designed in the Post-War Modernist style.</p> <p>The submitter raises several concerns in relation to the potential application of a Heritage Overlay. Council notes the following points.</p> <p>Council notes that property values are not a planning matter and is generally not a relevant consideration under the <i>Planning and Environment Act 1987</i> or the Bayside Planning Scheme. It is noted that property value can go up and down for a number of reasons (including but not limited to):</p> <ul style="list-style-type: none"> • The quality of the building/dwelling

	<p>2. The submitter is concerned that insurance premiums will be higher, and that resale value will decrease. As well, any renovations will necessitate the application and payment for a Planning Permit;</p> <p>3. Most of units on the property the submitter resides have been extensively altered and modernised (further detail provided in submission as to what these changes are).</p> <p>The submitter loves their home and has expended time and money in adjusting it to suit their lifestyle, having already installed a ramp to the front door and expect that as they age further, they may need to make more changes. The submitter is concerned that the Heritage Overlay will add more difficulty and cost to these future adjustments without provided any benefit to the Bayside community.</p>		<ul style="list-style-type: none"> • The location and size of the building/dwelling • Market conditions and seasonal fluctuations; • Amenity; • The state of neighbouring properties; • Building use; • Rental return; and • Economic conditions. <p>It is therefore difficult to isolate the specific effects of a heritage listing and whether a Heritage Overlay alone impacts the 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 factors influencing property 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.</p> <p>It is noted that not all alterations to the submitters home will require planning approval if a Heritage Overlay was to be applied. Planning permit is not required for internal alterations and internal heritage controls have not been recommended for the submitter's property.</p> <p>With regard to changes to the external facades, it is noted that the Heritage Overlay does not prevent change, but it does provide a control to ensure that changes are done in a way that respects the values of the place.</p> <p>General maintenance, repair and replacement of failed elements (roofing, rainwater goods, windows, doors etc) on a like-for-like basis do not require a permit. Changes that alter the appearance and fabric of the building will require approval (either a through a planning permit or a streamlined VicSmart permit).</p>
19	<p>Oppose</p> <p>The submitter does not support the inclusion of local properties in the Heritage Overlay, as the submitter feels this is Council overreach into private</p>	N/A - Submission not relating to a specific property	<p>Objection to the draft Study noted.</p> <p>Under the <i>Planning and Environment Act 1987</i>, 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 is not a responsibility individually allocated to Bayside City Council. All other Victorian Councils must</p>

	<p>matters and any implementation of Heritage Overlays should be voluntary in nature.</p>		<p>uphold this responsibility by preparing heritage studies and introducing the Heritage Overlay on properties identified as heritage significant.</p> <p>With regard to the submitters suggestion to undertake a voluntary scheme, the Draft Post-War Modern Residential Heritage Study follows three previous attempts (2007, 2017, 2018) by Council to conduct studies and planning scheme amendments 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 was not supported by the Minister for Planning as it was considered the process did not adequately fulfil Council's responsibilities under the <i>Planning and Environment Act</i> 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.</p>
20	<p>Oppose</p> <p>The submitter does not support the inclusion of their property in the Heritage Overlay. The house has been extensively renovated and extended and has also been recently purchased.</p> <p>Images of the property were provided showcasing the extent of changes.</p>	86 Dalgetty Road, Beaumaris	<p>Objection to the draft Study noted.</p> <p>The changes made to the property were previously known to Council's heritage consultant as part of the preparation of the draft Study (aside from noting that the brick veneer had been painted white). The information provided has been further reviewed and minor edits have been made to the Statement of Significance.</p>
21	<p>Oppose</p> <p>The submitter does not support the inclusion of their property in the Heritage Overlay. The house has been extensively renovated and extended and the submitter is of the believe that this has not been addressed in the draft Statement of Significance. The submitter outlines the various renovations that have occurred over the past 14 years.</p>	86 Dalgetty Road, Beaumaris	<p>Objection to the draft Study is noted.</p> <p>The changes made to the property were previously known to Council's heritage consultant as part of the preparation of the draft Study (aside from noting that the brick veneer had been painted white). The information provided has been further reviewed and minor edits have been made to the Statement of Significance.</p> <p>As the submitter points out, Council has previously attempted a voluntary approach which was not successful, as the Minister for Planning was of the consideration that the process did not adequately fulfil Council's responsibilities under the <i>Planning and Environment Act</i> 1987. Instead, the Minister advised that</p>

<p>The submitter is also concerned by the heritage process being compulsory and not voluntary in nature. The submitter states that the previous heritage study (the mid-century modern voluntary nomination process) only received 8 nominated properties by homeowners and that this was a clear indication of the community's views on this matter.</p> <p>The submitter is also concerned by the way in which properties sought for protection have been identified, as many have been individually identified rather than seeking to protect an entire area or streetscape with values and characteristics. This imposes significant financial hardship on a limited number of members of the community.</p> <p>The submitter is concerned that if a Heritage Overlay is imposed, the property they are seeking to take possession of will attract a lower property value, and will place restrictions on their property. They are also concerned that the Heritage Overlay will attract higher insurance premiums and impact their present home loan approval, as a higher deposit may be required.</p> <p>While the submitter would like to preserve the house without the need for the Heritage Overlay, they are concerned that they now have to wear the costs of maintaining and restoring the property in accordance with the proposed Heritage Overlay and this was not anticipated when they bought the property.</p> <p>The submitter states that no consideration has been offered to compensate home owners through this proposed Heritage Overlay and that</p>	<p>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.</p> <p>In relation to the statement that there were 8 nominated properties by homeowners, this is inaccurate. There were 14 property owners that nominated their homes, however only 8 were assessed to meet the threshold for heritage significance.</p> <p>With regard to the submitters concern that only individual places have been identified and not an entire area or streetscape (i.e heritage precinct), the intention of the Study was to identify residential buildings and precincts constructed within the municipality in the post-war period. Three potential precincts were identified for detailed heritage assessment, however two were found not to meet the threshold of local significance and do not warrant inclusion in the Heritage Overlay. This was due to many of the properties within these precincts undergoing demolitions and alterations, reducing the cohesion of these precincts. The third heritage precinct was identified to meet the threshold for inclusion within the Heritage Overlay as a "group listing" and is listed in the draft Study.</p> <p>Council notes that property values are not a planning matter and is generally not a relevant consideration under the <i>Planning and Environment Act 1987</i> or the Bayside Planning Scheme. It is noted that property value can go up and down for a number of reasons (including but not limited to):</p> <ul style="list-style-type: none"> • The quality of the building/dwelling • The location and size of the building/dwelling • Market conditions and seasonal fluctuations; • Amenity; • The state of neighbouring properties; • Building use; • Rental return; and • Economic conditions. <p>It is therefore difficult to isolate the specific effects of a heritage listing and whether a Heritage Overlay alone impacts the property value. The era, condition,</p>
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	<p>appropriate forms of compensation include (but are not limited to):</p> <ul style="list-style-type: none"> a) The difference between the purchase price of the property and the revised value of the property following the imposition of a Heritage Overlay; and/or b) Reduced council rates and land tax. <p>The submitter is of the opinion that if proposed Heritage Overlays are meant to preserve historically significant properties for the benefit of the community, the burden of the Heritage Overlay should be shared by the community.</p> <p>It is the submitters review that Council has not conducted appropriate due diligence and property considered the above-mentioned information.</p>		<p>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 factors influencing property 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.</p> <p>The Heritage Overlay does not prevent owners from renovating their home or undertaking alterations and additions. It is noted that the draft Study has not recommended internal controls be applied to any of the identified properties. That means that any changes to the house internally would not require a planning permit for heritage reasons.</p> <p>With regard to changes to the external facade, it is noted that the Heritage Overlay does not prevent change, but it does provide a control to ensure that changes are done in a way that respects the values of the place.</p> <p>There are no requirements under State legislation to maintain a locally significance heritage place to a certain standard. However, all homeowners do have a responsibility to maintain their homes to a habitable state.</p> <p>General maintenance, repair and replacement of failed elements (roofing, rainwater goods, windows, doors etc) on a like-for-like basis do not require a permit. Changes that alter the appearance and fabric of the building will require approval (either a through a planning permit or a streamlined VicSmart permit).</p> <p>An action from the <i>Heritage Action Plan 2020</i> is to investigate opportunities to further support owners of heritage properties. This is scheduled to commence in 2025/26.</p> <p>Council may waive fees for planning permits if the Heritage Overlay is the only requirement for a permit.</p> <p>Council does not currently have a funding or grant schemes in place to assist owners of heritage properties with property maintenance.</p> <p>Any consideration of funding schemes falls outside the scope of the draft Post-War Modern Residential Heritage Study.</p>
22	Oppose	N/A - Submission not relating to a specific property	<p>Objection to the draft Study noted.</p> <p>Through the current consultation process, an opportunity has been provided to affected property owners to provide further information that may support the</p>

	<p>The submitter does not support the inclusion of local properties in the Heritage Overlay and is of the opinion that many of the houses are beyond repair and would require significant amounts of money to save them and bring them back to life. The submitter believes that the imposition of a Heritage Overlay should be voluntary in nature.</p>		<p>protection of their property or to provide information that outlines whether the residence is 'beyond repair'. As a result, several properties have been removed from the Study due to the evidence provided by property owners.</p> <p>With regard to the submitters suggestion to undertake a voluntary scheme, the Draft Post-War Modern Residential Heritage Study follows three previous attempts (2007, 2017, 2018) by Council to conduct studies and planning scheme amendments 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 was not supported by the Minister for Planning as it was considered the process did not adequately fulfil Council's responsibilities under the <i>Planning and Environment Act</i> 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.</p>
23	<p>Oppose</p> <p>The submitter does not support the inclusion of their property in the Heritage Overlay due to the number of alterations that have occurred and the perceived inaccuracies within the Statement of Significance.</p>	1 Sara Avenue, Brighton East	<p>Objection to the draft Study noted.</p> <p>Information regarding the changes made to the property were provided to Council's heritage consultant. A revised Statement of Significance and Heritage Citation has been prepared.</p>
24	<p>Support</p> <p>The submitter provided further information and detail in relation to the draft Statement of Significance to further support its inclusion within the draft Post-War Modern Residential Heritage Study.</p>	3 Exon Street, Brighton	<p>Support for the draft Study noted.</p> <p>Information provided by the submitter was sent to Council's heritage consultant. A revised Statement of Significance has been prepared.</p>
25	<p>Oppose</p>	1-6/57 Royal Avenue and 1-	Objection to the draft Study noted.

	The submitter does not support the inclusion of their property in the Heritage Overlay due to the number of alterations that have occurred and the perceived inaccuracies within the Statement of Significance. The submitter provided photo evidence of the changes that have occurred.	6/64 Victoria Street, Sandringham	The alterations that have occurred to external form have been considered by Council's heritage consultant. The Heritage Citation has been revised to note these alterations. It is Council's heritage consultants view that despite some alterations, the property remains substantially intact and retains the ability to be understood and appreciated as an example of a 1970s multi-residential development designed in the Post-War Modernist style.
26	<p>Oppose</p> <p>The submitter does not support the inclusion of their property in the Heritage Overlay. The submitter is of the opinion that the work undertaken has significantly altered and/or replaced the original design, composition, detailing and materials of the house, structurally, externally and internally, and is therefore not 'highly intact.'</p>	97 Haldane Street, Beaumaris	<p>Objection to the draft Study noted.</p> <p>The information provided with this submission has resulted in the removal of this property from the final Study.</p>
27	<p>Oppose</p> <p>The submitter does not support the inclusion of their property in the Heritage Overlay for several reasons.</p> <p>The submitter has provided information as to the various internal and external alterations that have occurred at the property over the years.</p> <p>The submitter is also of the opinion that items such as solar panels, demolition and extensions to the residences at the property is adequately covered by existing bylaws, planning applications and building permit applications and that the application of the Heritage Overlay is not required.</p> <p>The submitter also states that much of the information in the draft Statement of Significance</p>	1-8/175 Church Street, Brighton	<p>Objection to the draft Study noted.</p> <p>As a result of the information provided with the submission, a revised Statement of Significance has been prepared for this property.</p> <p>Council notes that property values are not a planning matter and is generally not a relevant consideration under the <i>Planning and Environment Act 1987</i> or the Bayside Planning Scheme. It is noted that property value can go up and down for a number of reasons (including but not limited to):</p> <ul style="list-style-type: none"> • The quality of the building/dwelling • The location and size of the building/dwelling • Market conditions and seasonal fluctuations; • Amenity; • The state of neighbouring properties; • Building use; • Rental return; and • Economic conditions.

	<p>prepared for the property is subjective and that this again, due to the property not being “highly intact”, that the property be removed from the draft Study.</p> <p>The submitter is also concerned that the application of a Heritage Overlay will impact the property value due to the limitations and restrictions under the current and any future proposals that may be invoked.</p> <p>The submitter states that there was a previous opportunity for owners to voluntarily list their homes and that the process had been successful without creating stress or upset for the home owners.</p> <p>The submitter lastly states that this proposal has already caused stress related illness and that this process should be a voluntary request and not one that residents feel threatened by.</p>		<p>It is therefore difficult to isolate the specific effects of a heritage listing and whether a Heritage Overlay alone impacts the 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 factors influencing property 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.</p> <p>The submitter is of the opinion that the property already has sufficient measures in place to warrant its protection. Council notes that the Heritage Overlay is the preferable planning control in the Victoria Planning Provisions to preserve locally heritage significant places.</p> <p>With regard to the submitters suggestion to undertake a voluntary scheme, the Draft Post-War Modern Residential Heritage Study follows three previous attempts (2007, 2017, 2018) by Council to conduct studies and planning scheme amendments 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 was not supported by the Minister for Planning as it was considered the process did not adequately fulfil Council's responsibilities under the <i>Planning and Environment Act</i> 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.</p>
28	<p>Oppose</p> <p>The submitter is concerned by the repetitive nature in which heritage matters continue to occur. The submitter does not wish to have their property heritage listed.</p> <p>The submitter is concerned that the Heritage Overlay could potentially reduce the value of their home and how this will impact their level of care in the future. The house has been owned by the</p>	18 Hume Street, Beaumaris	<p>The submitters objection to the draft Study is noted.</p> <p>Council is aware of the previous attempts had to conduct studies and planning scheme amendments to identify mid-century modern properties for potential heritage protection, and that this current draft Study again seeks to protect properties considered to be of local heritage significance.</p> <p>Under the <i>Planning and Environment Act</i> 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 is not a responsibility individually allocated to Bayside City Council. All other Victorian Councils must</p>

	<p>submitters family members since 1965 and does not wish to involve their home in the Study. The submitter states that they do not plan to alter the house, and that there is no need for a Heritage Overlay.</p>		<p>uphold this responsibility by preparing heritage studies and introducing the Heritage Overlay on properties identified as heritage significant.</p> <p>Council notes that property values are not a planning matter and is generally not a relevant consideration under the <i>Planning and Environment Act 1987</i> or the Bayside Planning Scheme. It is noted that property value can go up and down for a number of reasons (including but not limited to):</p> <ul style="list-style-type: none"> • The quality of the building/dwelling • The location and size of the building/dwelling • Market conditions and seasonal fluctuations; • Amenity; • The state of neighbouring properties; • Building use; • Rental return; and • Economic conditions. <p>It is therefore difficult to isolate the specific effects of a heritage listing and whether a Heritage Overlay alone impacts the 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 factors influencing property 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.</p> <p>Lastly, while the submitter states they do not intend to alter the house, and that the application of the Heritage Overlay is not needed for this reason, this is not adequate to ensure the protection of the significant dwelling. The Heritage Overlay does not completely remove the option of demolition, however does ensure the significance of the house is a factor in any decision making and is therefore integral to the protection of the house in the future.</p>
29	<p>Oppose</p> <p>The submitter thanks Bayside City Council for the opportunity to express their views in relation to the</p>	<p>21-23 Point Avenue, Beaumaris</p>	<p>Objection to the draft Study noted.</p> <p>The submitters concerns regarding their rights as a property owner is a concern that has been raised by many other submitters.</p>

<p>draft Study. The submitter acknowledges the public interest in preserving buildings of architectural and cultural significance, both private and public, and the role that heritage listing plays in this regard. However, the submitter is of the opinion that any heritage policy needs to strike the right balance between public interest and private rights and that Council's proposal fails to do this.</p> <p>The submitter is concerned that if a Heritage Overlay is applied to her property, that they will not be able to sell the land and the value of the property will be diminished. The submitter bought the property with the belief that they could one day sell or develop their house and be unencumbered by heritage restrictions.</p> <p>The submitter is of the opinion that the application of a Heritage Overlay deprives their rights and under the Charter of Human Rights and Responsibilities (Victoria), limitation to property must be reasonable, necessary, justifiable and proportion which the submitter believes compulsorily heritage listing their house is not.</p> <p>The submitter has lived in Bayside for 60 years and strongly objects to Council forcing heritage listing and feels discriminated. The submitter seeks a voluntary heritage listing process as the way forward.</p>	<p>Under the <i>Planning and Environment Act</i> 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 is not a responsibility individually allocated to Bayside City Council. All other Victorian Councils must uphold this responsibility by preparing heritage studies and introducing the Heritage Overlay on properties identified as heritage significant.</p> <p>While it is understood that property owners may have varying intentions for their home in the future, including the reselling of their property, Council wishes to clarify that the application of the Heritage Overlay does not prohibit resale occurring, and that there are many other homes within Bayside already listed in the Heritage Overlay that have changed ownership over the years.</p> <p>Council notes that property values are not a planning matter and is generally not a relevant consideration under the <i>Planning and Environment Act</i> 1987 or the Bayside Planning Scheme. It is noted that property value can go up and down for a number of reasons (including but not limited to):</p> <ul style="list-style-type: none"> • The quality of the building/dwelling • The location and size of the building/dwelling • Market conditions and seasonal fluctuations; • Amenity; • The state of neighbouring properties; • Building use; • Rental return; and • Economic conditions. <p>It is therefore difficult to isolate the specific effects of a heritage listing and whether a Heritage Overlay alone impacts the 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 factors influencing property 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.</p>
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			<p>Protecting heritage places is not undermining any application of the Charter of Human Rights and Responsibilities. Rather, applying the Heritage Overlay is a practice that is undertaken internationally. Council's heritage consultant has prepared the draft Study in accordance with Planning Practice Note 1: <i>Applying the Heritage Overlay</i> alongside the principles of the ICOMOS Burra Charter 'Understanding and assessing cultural significance' Practice Note.</p> <p>With regard to the submitters suggestion to undertake a voluntary scheme, the Draft Post-War Modern Residential Heritage Study follows three previous attempts (2007, 2017, 2018) by Council to conduct studies and planning scheme amendments 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 was not supported by the Minister for Planning as it was considered the process did not adequately fulfil Council's responsibilities under the <i>Planning and Environment Act</i> 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.</p>
30	<p>Oppose</p> <p>The submitter thanks Bayside City Council for the opportunity to provide feedback on the draft Statement of Significance and draft Heritage Citation prepared for their property as part of the draft Study.</p> <p>The submitter does not support the inclusion of their property in the Heritage Overlay. The submitter is of the opinion that their home is an ordinary, unremarkable and heavily altered little home built by a relatively unknown architect as his family home.</p> <p>The submitter provides great detail as to the history of the architect and is of the opinion that the</p>	<p>19 Haldane Street, Beaumaris</p>	<p>Objection to the draft Study is noted.</p> <p>Following on from the receipt of this submission, a site inspection was undertaken with the consent of the property owners.</p> <p>All information outlined by the submitter was provided to Council's heritage consultant, and a further assessment and review of the property's heritage significance was undertaken.</p> <p>A revised Statement of Significance and heritage citation has been prepared. The property is no longer considered to meet the threshold for Criterion H: Special association with the life or works of a person, or group of persons, of importance in our history (associative significance).</p>

	<p>architect, nor the home, is important to Bayside's history.</p> <p>The submitter also provides a great level of detail of the changes made to their home over the years. The submitter is of the opinion that the significant alterations is evidence that the property does not retain a high degree of integrity in fabric, form and detail and that this diminishes the homes integrity and that there are other much better and materially more intact examples in Bayside.</p> <p>The submitter is also of the opinion that the comparative analysis undertaken as part of the draft heritage citation and Statement of Significance is weak, subjective and generic in commentary. The submitter has listed those homes that were identified within the comparative analysis and provides their reasoning as to why they are not actually comparable.</p> <p>The submitter has also provided their justification as to why they believe their home does not meet the threshold for local heritage significance, by undertaking their own assessment against the HERCON criteria.</p>		
31	<p>Support</p> <p>The submitter is a resident of Bayside, and lives in Brighton. The submitter expresses their disappointment for the care for history and the building there of. The submitter previously lived in the UK, where built heritage forms the very glue of the towns and cities. The submitter states that 'living among references to our past is a day to day</p>	<p>N/A - Submission not relating to a specific property – Member of Community Group</p>	<p>Support for the draft Study is noted.</p>

<p>lifestyle and culture is appreciated by young and old alike.'</p> <p>The submitter states that they were shocked by the sheer volume of demolition of beautiful old homes and buildings and how this continues to today, even with the world turning its attention to living more sustainably. Demolition and new construction does not support a healthy environment, nor does the transportation of new materials / heavy plant vehicles, concrete production, waste and landfill from demolition are all massive contributors to climate decline.</p> <p>The submitter was recently informed of a building in Hampton set for the bulldozer. The house is circa 1880s. The submitter is also aware of other properties that have just gone to market and is worried that they too will be demolished. The submitter queries, 'where does this end? When there is nothing left to show our children?'</p> <p>The submitter recognises the importance of historical buildings and that they do not need to be as old as the ones mentioned above (circa 1880s). Council needs to start saving our recent history (post-war), as this is a significant age for design and culture. The submitter is also of the opinion that the process of maintaining older buildings will give a new wealth back into the economy, being traditional trades, building processes and restoration, which is something that is currently lacking in Australia.</p> <p>The submitter lastly notes that there are many, many positive impacts to heritage protection and</p>		
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	that they want to live around history and want their child to learn of our past through old buildings.		
32	<p>Oppose</p> <p>The submitter is of the opinion that Council is going about this process in the wrong way. The submitter is opposed to the heritage listing of their property.</p> <p>The submitter is concerned by the compulsory nature of heritage listing.</p> <p>The submitter notes that they have lived in Bayside for more than 20 years and has done much volunteer work in this time. They love the area and are concerned by the heritage process.</p>	1-6/5-7 Red Bluff Street, Black Rock	<p>Objection to the draft Study is noted.</p> <p>Under the <i>Planning and Environment Act</i> 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 is not a responsibility individually allocated to Bayside City Council. All other Victorian Councils must uphold this responsibility by preparing heritage studies and introducing the Heritage Overlay on properties identified as heritage significant.</p> <p>Many submissions have raised concerns regarding the enforced nature of the heritage process. The Draft Post-War Modern Residential Heritage Study follows three previous attempts (2007, 2017, 2018) by Council to conduct studies and planning scheme amendments 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 was not supported by the Minister for Planning as it was considered the process did not adequately fulfil Council's responsibilities under the <i>Planning and Environment Act</i> 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.</p>
33	<p>Oppose</p> <p>The submitter does not support the inclusion of their property in the Heritage Overlay. The submitter is of the opinion that there are sufficient controls already in place as the property is not a body corporate type complex but a Company with its own legal rules.</p> <p>The submitter states that the proposition of the Heritage Overlay is intimidating, threatening, a costly and administrative imposition, and an anxiety burden going forward and an intrusion upon their</p>	1-15/405 Beach Road, Beaumaris	<p>Objection to the draft Study is noted.</p> <p>Council is aware that there is already existing legalities in place to ensure alterations, additions or even demolition of buildings upon the submitters property occur sympathetically and/or to the agreement of the Company's Directors. However, this serves a different function to the Heritage Overlay, which while does serve to protect places of heritage significance, it is also the intention of the Heritage Overlay to identify and document why a place is of significance.</p> <p>The submitter has made it clear that there are already many controls in place. Council does not consider the application of the Heritage Overlay, if this was to occur in the future, to place unreasonable restrictions on the property, as there are already many controls in place. Council also notes that the Heritage Overlay is</p>

<p>freedom. It also strikes the submitters ability to manage and exercise the legal responsibilities of the directors of the company.</p> <p>The submitter also states that it is not reasonable to cause or be seen to cause any mental health illness or indeed other anxieties to the residents at the property, which can be associated with the threat of heritage listing the property.</p> <p>The submitter notes that the architect of the property they reside at is not known, and that this downgrades the importance of the property. Further, that the buildings on the property are not attractive from the entrance.</p> <p>The submitter refers to existing planning overlays that are within the Bayside Planning Scheme (the Design and Development Overlay, and the Vegetation Protection Overlay) and that these controls already provide Council with the power to protect the property, as it limits the building height to two storeys and also protects native and indigenous vegetation. This, in combination with the legal rules already imposed on the property is sufficient controls.</p> <p>The submitter acknowledges that due to various reasons, it is unlikely that any redevelopment would occur at the property or that a developer would be interested in pursuing any development proposition. However, the submitter is concerned that the Heritage Overlay would impact the value of their property. The submitter states that there is already evidence from their experience with the company legal structure in place that property values are already impacted due to reasons</p>	<p>the preferable planning control in the Victoria Planning Provisions to preserve locally heritage significant places.</p> <p>Council notes that property values are not a planning matter and is generally not a relevant consideration under the <i>Planning and Environment Act 1987</i> or the Bayside Planning Scheme. It is noted that property value can go up and down for a number of reasons (including but not limited to):</p> <ul style="list-style-type: none"> • The quality of the building/dwelling • The location and size of the building/dwelling • Market conditions and seasonal fluctuations; • Amenity; • The state of neighbouring properties; • Building use; • Rental return; and • Economic conditions. <p>It is therefore difficult to isolate the specific effects of a heritage listing and whether a Heritage Overlay alone impacts the 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 factors influencing property 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.</p> <p>With regard to the submitter's objection to the lack of reference of impacts to wellbeing made in the draft Heritage citation, Council notes that the preparation of heritage studies and the generally subsequent application of the Heritage Overlay is a practice that is undertaken internationally. Council's heritage consultant has prepared the draft Study in accordance with Planning Practice Note 1: <i>Applying the Heritage Overlay</i> alongside the principles of the ICOMOS Burra Charter 'Understanding and assessing cultural significance' Practice Note. The Victorian State Government sets out the framework for protecting heritage places in Victoria and Council has limited ability to influence the process or its relevant considerations.</p>
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	<p>associated with the single title share group structure and the reluctance to approve housing loans for prospective buyers. A Heritage Overlay would add another hurdle in achieving reasonable market prices for unit sales.</p> <p>The submitter outlines that there have already been several changes to the property and that there is a need to continue to make changes to ensure the property is fit for purpose. The submitter makes example of the garages on site and the need to redevelop these for cars built to this day. Other examples are used in the submission of other possible changes that need to occur in the future.</p> <p>The submitter also is of the opinion that the Heritage Overlay would impose the expenditure of heritage architects and result with the burden of negotiations with Council, with any appeal process also imposing additional fees and more expert expenses.</p> <p>Lastly, the submitter is concerned with the lack of discussion and consideration of the impacts on the wellbeing of humans and the fairness of the heritage process and that this is a serious oversight that all residents are disappointed with. The submitter objects to the lack of reference to this issue in the heritage citation and by Council. As the submitter states, 'people, their wellbeing and mental health can be argued to be much more important in our society than bricks and mortar.'</p>		
34	Support	N/A - Individual Submitter	Support for the draft Study is noted.

	<p>The following statement was made by the submitter in support for the implementation of the Study:</p> <p>I believe too many of the beautiful original post war houses of Beaumaris are belong demolished and that the Bayside area is quickly losing its beachside tea tree charm.</p>		
35	<p>Support</p> <p>The following statement was made by the submitter in support for the implementation of the Study:</p> <p>If uncontrolled development is allowed in this eclectic bayside architectural time-capsule, everyone loses.</p> <p>The monotonous multi storey “block of flats” constructions will displace many trees and ultimately lower the property values due to the lack of design diversity which the suburb originally enjoyed.</p>	N/A - Submission not relating to a specific property	Support for the draft Study is noted.
36	<p>Oppose</p> <p>The submitter does not support the inclusion of their property in the Heritage Overlay. The submitter provides information relating to the number of changes that have been made to their home over the years.</p> <p>The submitter bought the property with a view of setting up for the future and now feels that the heritage listing could potentially restrict the future growth of the submitter’s life savings.</p>	1-4/2-4 Haldane Street, Beaumaris	<p>Objection to the draft Study is noted.</p> <p>Under the <i>Planning and Environment Act</i> 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 is not a responsibility individually allocated to Bayside City Council. All other Victorian Councils must uphold this responsibility by preparing heritage studies and introducing the Heritage Overlay on properties identified as heritage significant.</p> <p>It is noted that general maintenance, repair and replacement of failed elements external to the house (roofing, rainwater goods, windows, doors etc) on a like-for-like basis do not require a permit. Changes that alter the appearance and fabric of the building will require approval (either a through a planning permit or a streamlined VicSmart permit).</p>

<p>Many properties surrounding the submitter's home have been demolished and rebuilt over the last 15 years. The submitter feels it is unfair that they are restricted to 'appease the heritage people and Council's own morale standing.' The submitter is of the opinion that any heritage listing will restrict the growth in value of their property and that this is unfair.</p> <p>The submitter also states that if they wanted to install double glazed windows to reduce power and heating that they would not be allowed to do so without some sort of approval and cost attached, but that the house across the road can with no planning applications or additional costs.</p>	<p>It is noted that the draft Study has not recommended internal controls be applied to any of the identified properties. That means that any changes to the house internally would not require a planning permit for heritage reasons.</p> <p>There are many other planning controls within the Bayside Planning Scheme that are already in place that require planning permits for various reasons, and it is likely that the submitter would require a permit to undertake alterations or additions to their property regardless of whether the Heritage Overlay is applied to the property.</p> <p>Council notes that property values are not a planning matter and is generally not a relevant consideration under the <i>Planning and Environment Act 1987</i> or the Bayside Planning Scheme. It is noted that property value can go up and down for a number of reasons (including but not limited to):</p> <ul style="list-style-type: none"> • The quality of the building/dwelling • The location and size of the building/dwelling • Market conditions and seasonal fluctuations; • Amenity; • The state of neighbouring properties; • Building use; • Rental return; and • Economic conditions. <p>It is therefore difficult to isolate the specific effects of a heritage listing and whether a Heritage Overlay alone impacts the 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 factors influencing property 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.</p> <p>There are many houses within the City of Bayside that are subject to different planning controls which restrict the type of development that can occur on land. Different sites can have different controls depending on the specific outcomes sought for a site/area.</p>
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37	<p>Support</p> <p>A statement providing support for the implementation of the Study was provided. The submitter urges council to protect the “significant Mid Century architectural fabric” of Beaumaris which could potentially become tourist attractions in future years.</p>	N/A - Submission not relating to a specific property	Support for the draft Study is noted.
38	<p>Support</p> <p>The submitter states they would be very happy if the mid-century Beaumaris houses were heritage listed. They are Beaumaris as it was in the 1950s-60’s when emerging architects experimented with a new house design. The submitter states that unfortunately these houses are usually on blocks of land that are highly sought after by developers to pull down and subdivided to build two project type homes with minimal outdoor space and vegetation. These directly contribute to climate change and global warming and often contribute little except profits for the developer.</p> <p>The submitter also states that these houses can be renovated to today’s living standards and extended to accommodate change and can make Beaumaris a destination suburb, like Oak Park in Chicago, benefiting cafes and tourism profit.</p> <p>The submitter grew up in Beaumaris in the 1960s and welcomes the growing appreciation of mid-century modern houses.</p>	N/A - Submission not relating to a specific property	Support for the draft Study is noted.

39	<p>Oppose</p> <p>The submitter does not support the inclusion of their property in the Heritage Overlay. The submitter states that there have been a significant number of internal and external changes to the fabric of the building, its gardens and appurtenances which have compromised its integrity to the point that the heritage values outlined in the draft study cannot be substantiated.</p> <p>The submitter is also of the opinion that the presentation of the building to the street has significantly change sand would not be recognisable from that which was originally built. The elements that have been retained cannot be seen from the public realm. The submitter is also of the opinion that due to the property's isolation from other modernist buildings that are principally located in Beaumaris, that the place should not be considered for heritage listing.</p> <p>For these reasons, the submitter is of the opinion that the place does not make a 'strong' contribution to the phase of modernist architecture in the City of Bayside and thereby failing Criterion A. The submitter further states that the place is not a 'substantially intact representative example' of modernist architectural nor of aesthetic significance, thereby failing Criterion D and E.</p> <p>To support this, the submitter has provided a list of changes that have occurred to the property over the years.</p>	27 Bolton Avenue, Hampton	<p>Objection to the draft Study is noted.</p> <p>The documented changes to the property have been provided to Council's heritage consultant. A revised Statement of Significance has been prepared.</p>
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40	<p>Support</p> <p>The submitter wishes to voice their concern regarding the demolition of mid-century homes. The submitter states that mid0century architecture is part of our history that expresses a time where design had personality and character unlike the block monstrosities that are being replaced by these beautiful homes. People are becoming more educated and appreciative of this era and the famous architects that left their mark to produce homes that are today becoming increasingly valuable and popular on the property market.</p> <p>The submitter states that action needs to be taken to protect the cultural identify of our mid-century homes.</p>	N/A - Submission not relating to a specific property	Support for the draft Study is noted.
41	<p>Support</p> <p>The submitter states they have become very interested in modernist homes as they were such a significant change from what had occurred previously. The submitter thinks these homes should be preserved as much as possible and that the wider community is beginning to recognise their value. The trend of demolition to build a McMansion is significantly threatening the community amenity in suburbs which have modernist housing.</p> <p>The submitter also states that heritage homes can be renovated for modern living and that they themself lived in a 1905 one which is highly valued by real estate agents as it is distinctive. The submitter is of the opinion that heritage protection</p>	N/A - Submission not relating to a specific property	Support for the draft Study is noted.

	will save significant homes from demolition, which preserves an interesting mix and streetscape as well as being more environmentally sound as less waste goes to landfill.		
42	<p>Support</p> <p>The submitter strongly supports protecting post-war heritage in Bayside.</p> <p>The submitter believes local history, architecture and stories of the Bayside community are very important and all we have left to show our future generations.</p> <p>The submitter is concerned that without protection, these unique homes and gardens will be lost to cookie cutter homes that have no story. The submitter states that people travel overseas to view historical buildings and learn about them, yet in Bayside we do not offer them the protection they deserve. The submitter urges Council to act now to protect these homes before it is too late, as each week another is demolished, and we need to retain our community's character and treat it as a priority.</p>	N/A - Submission not relating to a specific property	Support for the draft Study is noted.
43	<p>Oppose</p> <p>The submitter does not support the inclusion of their property in the Heritage Overlay. The submitter provides information and photos in relation to the changes that have occurred at the property, as well as a photograph comparing the property to another property in the City of Bayside.</p> <p>The submitter is also of the opinion that property lacks the importance to history or inherent cultural</p>	1-7/150 Beach Road, Sandringham	<p>Objection to the draft Study is noted.</p> <p>Information and photographs were provided to Council's heritage consultant. While the submitter states that there is mould, concrete cancer, and other issues with the property, these were not photographed, and the extent of these issues is therefore uncertain.</p> <p>A revised Statement of Significance has been prepared.</p>

	characteristics for it to necessitate inclusion in a Heritage Overlay, due to many the many mould issues, windows and roofs that allow draft, concrete cancer issues and inadequate carparking spaces.		
44	<p>Oppose</p> <p>The submitter does not support the inclusion of their property in the Heritage Overlay.</p> <p>The submitter is concerned by the level of redevelopment that has been occurring surrounding their home and the impacts this has now had on their property. The submitter states that the possible application of the Heritage Overlay has added another layer of stress and anxiety.</p> <p>The submitter has read the draft heritage citation and is of the opinion that it has a lot of padding to justify the inclusion of their property in the Heritage Overlay. They do not believe the home is a unique Clarke Hopkins Clark design, and that the layout of their property has been used in many of their designs. The property is also not sufficiently intact and has been extensively renovated.</p> <p>The submitter also states that the 'single storey box like form' is not unique and that the property is not an unusual or 'intact' example of mid-century modern architecture.</p>	1-8/175 Church Street, Brighton	<p>Objection to the draft Study is noted.</p> <p>The submitter raises concerns with changes that have occurred surrounding the property and Council's attitude to properties and development in general. It is noted that heritage places add to Bayside's local character, and the protection of heritage places can assist in maintaining existing valued neighbourhood character and inform future development (including that of adjoining properties) by ensuring they do not detract from the heritage significance of the heritage place.</p> <p>The changes made to the property over the years has been provided to Council's heritage consultant. A revised Statement of Significance has been prepared.</p> <p>Council would also like to clarify that the draft Study has been prepared by suitably qualified heritage experts that have prepared numerous heritage studies across Australia.</p>
45	<p>Oppose</p> <p>The submitter does not support the inclusion of their property in the Heritage Overlay. The</p>	15 Mariemont Avenue, Beaumaris	Objection to the draft Study is noted.

	submitter also notes that some changes had been made to the property, and this was discussed with in person with a Council officer on 14 March 2022.		<p>Council notes that the changes to the property were already considered by Council's heritage consultant and were documented in the draft Statement of Significance.</p> <p>A revised Statement of Significance was not required. Minor changes were made to the Heritage Citation to further note the alterations made to the home.</p>
46	<p>Support</p> <p>The submitter strongly believes that heritage protection is a way to legislate to protect our cultural identity. The submitter believes the recognition of mid-century homes from the post-war era within Bayside is an important acknowledgement of a boom period when creativity and industry merged to create many a striking example of architecture during this period.</p> <p>The submitter also states that mid-century homes can and are being renovated to adapt our modern way of living. The submitter further states that heritage protection saves significant homes from demolition and some times the trees that surround them.</p>	N/A - Submission not relating to a specific property	Support for the draft Study is noted.
47	<p>Oppose</p> <p>The submitter is of the opinion that the approach taken is both simplistic and negligent and does not consider all factors that impact a property owner with regard to the Heritage Overlay. The submitter states that the <i>Planning and Environment Act 1987</i> only gives broad guidance as to what should be heritage listed.</p>	2 Davey Avenue, Brighton East	<p>Objection to the draft Study is noted.</p> <p>With regard to the submitters concerns in the approach taken to prepare the draft Study, and the heritage process being followed, Council notes that the draft Study has been prepared by suitably qualified heritage experts that have prepared numerous heritage studies across Australia. Applying the Heritage Overlay is a practice that is undertaken internationally. Council's heritage consultant has prepared the draft Study in accordance with Planning Practice Note 1: <i>Applying the Heritage Overlay</i> alongside the principles of the ICOMOS Burra Charter 'Understanding and assessing cultural significance' Practice Note.</p> <p>In response to the submitters statement in relation to Planning Practice Note 1, it is noted that this section of the Practice Note is seeking to ensure that the</p>

<p>The submitter refers to the following statement made within the Planning Practice Note 1: <i>Applying the Heritage Overlay</i>.</p> <p><i>‘Additional resources may be required when introducing the Heritage Overlay, a council should consider the resources required to administer the heritage controls and to provide assistance and advice to affected property owners. This might include providing community access to a heritage adviser or other technical or financial assistance.’</i></p> <p>The submitter states that Council has not offered access to a heritage adviser nor any other technical or financial assistance.</p> <p>The submitter is also of the opinion that the approach to only consider superficial aspects from the street and floorplans in some cases is not appropriate, and that the draft Study does not consider the overall property condition, compliance to current design standards, energy efficiency, costs to maintain and so forth.</p> <p>The submitter also states that it is an inherently false statement to presume heritage protection does not prevent development. The submitter has consulted multiple real estate agents and the consensus is that for an average street the property value for a site with a house over 40 years old is the land value. Additionally, the primary residence for a property owner is generally their biggest asset and forms a key component of their retirement plan – and this is the case for the submitter. The submitter has lived in the property for the last 18</p>	<p>Responsible Authority has considered the support structure required to manage future planning enquiries or applications triggered by the introduction of a Heritage Overlay. It is noted that Council provides heritage advice and support to our community through pre-application discussions. Council also, on occasions, waives planning permit application fees. An action from the <i>Heritage Action Plan 2020</i> is to investigate opportunities to further support owners of heritage properties. This is scheduled to commence in 2025/26.</p> <p>Through the consultation on the draft Study, Council offered the opportunity to meet with Council’s heritage consultant that prepared the study to discuss the draft citation and statement of significance, and provide clarity to any questions you may have in relation to the study.</p> <p>As outlined in the draft Study, a rigorous assessment has been undertaken in preparation of the Study. While an on-site inspection cannot be undertaken without the consent of the property owner, it is common practice to assess the merits of a potentially significant heritage place from the public realm.</p> <p>Furthermore, the Heritage Overlay has not yet been applied to any properties identified in the draft Study, and a further Planning Panel process would occur which would further test the merits as to whether a place is considered heritage significant or not.</p> <p>Council notes that the application of the Heritage Overlay does not restrict the property owner from making modifications to ensure their home is energy efficient, accessible, and safe. General maintenance, repair and replacement of failed elements (roofing, rainwater goods, windows, doors etc) on a like-for-like basis do not require a permit. Changes that alter the appearance and fabric of the building will require approval (either a through a planning permit or a streamlined VicSmart permit).</p> <p>Further, it is noted that the draft Study has not recommended internal controls be applied to any of the identified properties. That means that any changes to the house internally would not require a planning permit for heritage reasons.</p> <p>Many submissions have raised concerns regarding the enforced nature of the heritage process. The Draft Post-War Modern Residential Heritage Study follows three previous attempts (2007, 2017, 2018) by Council to conduct studies and planning scheme amendments to identify mid-century modern properties for</p>
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	<p>years and are well aware of what would be required to repair the house. The submitter has attached a list of the required work to repair the house.</p> <p>The submitter further states that the house is decrepit, not energy efficient and the dampness and challenges to clean aggravate the health condition of the occupants. Architectural advice received by the submitter is that they would not recoup the large amount of money required to fix all faults and that the next owner 'would put a bulldozer through it.'</p> <p>Lastly, the submitter states that they support voluntary heritage as it enables those homeowners who are passionate about their house to apply for a Heritage Overlay which has shown results.</p>		<p>potential heritage protection and introduce heritage controls (interim and permanent). This includes the adoption of an untried voluntary approach to heritage protection which was not supported by the Minister for Planning as it was considered the process did not adequately fulfil Council's responsibilities under the <i>Planning and Environment Act 1987</i>. 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.</p> <p>Minor edits have been made to the Statement of Significance as part of the revision of the Study.</p>
48	<p>Oppose</p> <p>The submitter first bought their home so that they could live comfortably in the manner they choose, to one day serve as an uninhibited investment piece for their family's future, and not be restricted by planning overlays that would limit the market interest to a select number of property buyers. Now, the submitter is concerned that they will no longer be able to do any of the things they first bought their home for due to the potential heritage listing of their home.</p> <p>The submitter is concerned by the need to prepare a heritage study following the abandonment of heritage studies in the last 20 years. The submitter</p>	1 Reid Street, Beaumaris	<p>Objection to the draft Study is noted.</p> <p>Under the <i>Planning and Environment Act 1987</i>, 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 is not a responsibility individually allocated to Bayside City Council. All other Victorian Councils must uphold this responsibility by preparing heritage studies and introducing the Heritage Overlay on properties identified as heritage significant.</p> <p>Identifying and protecting heritage places is not static and is a responsibility that all Victorian Council's must continue to uphold.</p> <p>As the submitter notes, there has been previous abandonment of studies in Bayside over the past 20 years. The Draft Post-War Modern Residential Heritage Study follows three previous attempts (2007, 2017, 2018) by Council to conduct studies and planning scheme amendments 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 was not supported by the Minister for Planning as it was</p>

<p>queries what has changed to allow for the preparation of the draft Study.</p> <p>The submitter objects to the proposal of any Heritage Overlay and outlines the various changes that have been made to the property, noting the original form is no longer intact. The submitter states that more than 50% of the façade of the dwelling is not per the original construction, and that much of the remaining external aspect of the dwelling is in a state of disrepair in a number of locations.</p> <p>The submitter states that their home insurance will increase due to a Heritage Overlay upon the property and that this was confirmed by their insurer via an enquiry that the submitter made.</p> <p>The submitter states that the rights to their home will be negated, exploited and violated and the financial hardship that the Heritage Overlay would impose will be on untenable and restricts their right to develop their property in the way they choose to.</p> <p>The submitter is of the opinion that their home has no historic value and that the importance of their property is purely a figment of someone's imagination, a made-up circumstance by an individual(s).</p> <p>The submitter is of the opinion that Heritage Overlays are generally imposed on a group of adjoining homes within the same vicinity or within close proximity to each other, and that the target of their property as the only property within their street is not in line with this typical process and is a</p>	<p>considered the process did not adequately fulfil Council's responsibilities under the <i>Planning and Environment Act 1987</i>. 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.</p> <p>The changes made to the property over the years has been provided to Council's heritage consultant. The Statement of Significance has been revised.</p> <p>While the submitter may be of the opinion that their home is not worthy of heritage protection and has no historic value, Council's heritage consultant's expert opinion that the properties identified within the Draft Post-War Modern Residential Heritage Study may be of local heritage significance. This identification has been based upon research and a site inspection of the properties 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 draft Statement of Significance for each property included in the draft Post-War Modern Residential Heritage Study outlines why the property has been included in the draft Study.</p> <p>Council also notes there are already many properties identified for their individual significance within the Heritage Overlay in the Bayside Planning Scheme, and this application has been undertaken in alignment with <i>Planning Practice Note 1: Applying the Heritage Overlay</i>.</p> <p>The submitter compares there home to surrounding properties, noting that other properties upon their street are not within the Heritage Overlay or identified within the draft Study. It is noted that the current study is focused on modernist style of architecture, and it is unlikely that all properties in a street will meet the threshold for inclusion in a Heritage Overlay. While there are no other properties identified upon the submitter's street, there are several properties within the surrounding locality (within 200 metres from the submitter's property) that have been identified within the draft Study.</p> <p>There are many houses within the City of Bayside that are subject to different planning controls which restrict the type of development that can occur however</p>
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<p>departure of what a Heritage Overlay is supposed to represent.</p> <p>The submitter further reiterates that they specifically purchased this property because it contained no restrictions other than a vegetation protection overlay which they support and is accepting of. Had the property contained a Heritage Overlay, they would have never purchased it. The submitter states that to have such a restriction imposed "After the fact" is a violation of the premise under which the property was purchased.</p> <p>The submitter does not understand the importance of the fact their home was designed by Chancellor and Patrick Architectures, architects the submitter believes are not any more special than other architects who designed dwellings in the 60's and 70's.</p> <p>The submitter does not understand why their neighbours are not restricted by the Heritage Overlay and yet the submitters home might be and questions how they might be unable to the same on their property if the Heritage Overlay was applied.</p> <p>The submitter is of the opinion that Council should compensate them for any financial shortfall that they may experience in the even they choose to sell their property for financial reasons as well as for the maintenance of their property.</p>		<p>the unique characteristics of each place and its context must be considered when assessing redevelopment applications.</p> <p>As per the <i>Heritage Action Plan 2020</i>, Council is waiving fees for planning permits if the Heritage Overlay is the only requirement for a permit. Council does not currently have a funding scheme in place to assist owners of heritage properties. Any consideration of funding schemes falls outside the scope of the draft Post-War Modern Residential Heritage Study. An action from the <i>Heritage Action Plan 2020</i> is to investigate opportunities to further support owners of heritage properties. This is scheduled to commence in 2025/26.</p>
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<p>49</p>	<p>Oppose</p> <p>The submitter writes on behalf of their mother, who is the owner of a property included in the draft Study. The submitter and the property owner do not support the inclusion of the property in the Heritage Overlay.</p> <p>The submitter provides information relating to a change made to the property (extension to an awning) which is no longer in place, returning the feature to its original.</p> <p>The submitter is concerned that Council has not substantively considered the potential impact heritage protection will have on a property's value.</p> <p>The submitter weighs up what they consider the benefits and costs of heritage protection and how the community receives the benefit of heritage protection whilst the individual homeowner bears the costs arising from the restrictions imposed by a Heritage Overlay. The submitter states that these costs comprise direct costs – heritage advice, specialist design works etc – and the lost opportunity cost arising from the prohibition on alternative built forms for the property.</p> <p>It is the submitters view that affected homeowners should be compensated for the appropriation of their property rights.</p> <p>due to the potential impact on the resale value of the property, the number of alterations that have occurred, the perceived inaccuracies within the</p>	<p>53 Scott Street, Beaumaris</p>	<p>Objection to the draft Study is noted.</p> <p>Council notes that property values are not a planning matter and is generally not a relevant consideration under the <i>Planning and Environment Act 1987</i> or the Bayside Planning Scheme. It is noted that property value can go up and down for a number of reasons (including but not limited to):</p> <ul style="list-style-type: none"> • The quality of the building/dwelling • The location and size of the building/dwelling • Market conditions and seasonal fluctuations; • Amenity; • The state of neighbouring properties; • Building use; • Rental return; and • Economic conditions. <p>It is therefore difficult to isolate the specific effects of a heritage listing and whether a Heritage Overlay alone impacts the 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 factors influencing property 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.</p> <p>Many property owners alike the submitter have voiced concern that the Heritage Overlay would restrict what they can and can't do on their property. The Heritage Overlay does not prevent owners from renovating their home or undertaking alterations and additions.</p> <p>It is noted that the draft Study has not recommended internal controls be applied to any of the identified properties. That means that any changes to the house internally would not require a planning permit for heritage reasons.</p> <p>With regard to changes to the external features of the home, it is noted that the Heritage Overlay does not prevent change, but it does provide a control to ensure that changes are done in a way that respects the values of the place. It is not</p>
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	Statement of Significance and the restrictions on any future alterations/ development a Heritage Overlay would limit. In addition, the submitter notes the community gains the benefit of dwellings being heritage listed but the property owner solely bears the cost and as such believes property owners should be compensated by Council.		always necessary to acquire heritage specialists to assist with the proposal of these changes.
50	<p>Oppose</p> <p>The submitter does not support the inclusion of their property in the Heritage Overlay due the number of alterations that have occurred internally and externally that are outlined in the submission. It is the submitters opinion that these alterations to the original integrity to the fabric, design and form of the building that reduces its significance and makes the property unsuitable for inclusion in a Heritage Overlay.</p>	1-6/57 Royal Avenue and 1-6/64 Victoria Street, Sandringham	<p>Objection to the draft Study is noted.</p> <p>Internal alterations are not considered relevant as part of the assessment of the place, and internal heritage controls have not been put forth by Council's heritage consultant.</p> <p>The alterations that have occurred to external form have been considered by Council's heritage consultant. The Heritage Citation has been revised to note these alterations. It is Council's heritage consultants view that despite some alterations, the property remains substantially intact and retains the ability to be understood and appreciated as an example of a 1970s multi-residential development designed in the Post-War Modernist style.</p>
51	<p>Oppose</p> <p>The submitter acts on behalf of a proprietor of a property identified in the draft Study. The proprietor opposes the inclusion of their property in the Heritage Overlay.</p> <p>The submitter notes various modifications that have been made to the property since the original design and makes reference to statements within the draft heritage citation that they believe to be incorrect. The submitter also notes that 'if the house had been inspected it would have been readily apparent that the original doors and windows and fascia have been removed and replaced, the garage door installed and the courtyard is modified.' The</p>	9 Merton Avenue, Brighton	<p>Objection to the draft Study is noted.</p> <p>Council notes the various modifications made as outlined by the submitter and has informed our heritage consultant. The submission did not provide any photographic evidence of these external alterations. Furthermore, internal alterations are not considered relevant as part of the assessment of the place, and internal heritage controls have not been put forth by Council's heritage consultant. The Heritage Citation has been updated to note the internal alterations.</p> <p>A rigorous assessment has been undertaken in preparation of the Study. While an on-site inspection cannot be undertaken without the consent of the property owner, it is common practice to assess the merits of a potentially significant heritage place from the public realm.</p> <p>Council notes the submitters assessment of the property against the HERCON criterion and that the criterion has not been met. Council is of the opinion that the</p>

	<p>submitter also notes that the interior has been substantially renovated.</p> <p>The submitter has also undertaken their own assessment of the HERCON criterion against the property and is of the opinion that the criterion is not met.</p>		<p>property does meet the threshold for local heritage significance, however, the submitter can put their assessment forward again at an Independent Planning Panel, if the planning scheme amendment process commences.</p> <p>Minor edit was made to the Statement of significance to note that roof is predominantly flat. Alterations were further noted in updates to the Heritage Citation.</p>
52	<p>Oppose</p> <p>The submitter does not support the inclusion of their property in the Heritage Overlay. The submitter states that the proposed heritage listing is unfair, and that the process is long and draw out and is causing significant psychological and emotional stress.</p> <p>The submitter outlines that the home is flawed in design and that the architect made many mistakes as the layout of the home does not allow for natural light, that the open plan and clearstory design results in lack of privacy and penetration of noise.</p> <p>The submitter outlines various internal alterations that have occurred over the years. The submitter also refers to many repairs that need to be undertaken but have not occurred.</p> <p>The submitter questions the heritage value as it was the architects first home design, and considers it therefore to be the 'least refined.' The submitter also states the home has no stylistic relationship to adjoining homes and is obscured from the street by the front fence and dense vegetation.</p> <p>The submitter does not believe the home is worthy of heritage protection and plans to develop the site</p>	42 North Road, Brighton	<p>Objection to the draft Study is noted.</p> <p>Whilst the submitter is of the opinion that their home is flawed in its design, it is Council's heritage consultant's expert opinion that the property is of local heritage significance. This identification has been based upon research and a site inspection of the properties 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 draft Statement of Significance for each property included in the draft Post-War Modern Residential Heritage Study outlines why the property has been included in the draft Study.</p> <p>It is noted that many of the changes to the home outlined by the submitter were internal, which does not impact the assessment of the property. Internal heritage controls have not been recommended by Council's heritage consultant.</p> <p>Council notes that property values are not a planning matter and is generally not a relevant consideration under the <i>Planning and Environment Act 1987</i> or the Bayside Planning Scheme. It is noted that property value can go up and down for a number of reasons (including but not limited to):</p> <ul style="list-style-type: none"> • The quality of the building/dwelling • The location and size of the building/dwelling • Market conditions and seasonal fluctuations; • Amenity; • The state of neighbouring properties; • Building use; • Rental return; and • Economic conditions.

	<p>into two houses so they can live alongside their family when the submitter is no longer independent.</p> <p>The submitter is also of the opinion that if the heritage listing goes ahead, the value of their property will fall significantly, and Council should compensate for this cost.</p> <p>It is the submitters strong belief that Individual residents should not have to bear the personal costs of the Council's wish to protect properties such as mine. Heritage protection should be voluntary. If Council really wants to protect these buildings, they should purchase them at market rate and bear the cost of ongoing maintenance, as Council is effectively asking owners to do.</p>		<p>It is therefore difficult to isolate the specific effects of a heritage listing and whether a Heritage Overlay alone impacts the 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 factors influencing property 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.</p> <p>With regard to the submitters concern that heritage protection should be voluntary, it is noted that the Draft Post-War Modern Residential Heritage Study follows three previous attempts (2007, 2017, 2018) by Council to conduct studies and planning scheme amendments 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 was not supported by the Minister for Planning as it was considered the process did not adequately fulfil Council's responsibilities under the <i>Planning and Environment Act 1987</i>. 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.</p> <p>While the submitter's alternative option is one way of approaching heritage conservation, it is not a realistic option for Councils across the State. There are currently over 1,000 properties within the Heritage Overlay and throughout the majority of Bayside there are design and built form controls in place. The basis of the entire Victorian Planning system is to ensure that controls exist to regulate the use and development of land. It is not practical or reasonable for public authorities to purchase or acquire land only at the time of sale to limit the demolition of a dwelling or to ensure it is reasonably maintained. Demolition controls can exist for a range of reasons and are not strictly related to heritage controls.</p>
53	<p>Oppose</p> <p>The submitter thanks Council for the opportunity to make a submission. The submitter does not</p>	9 Bellaire Court, Beaumaris	<p>Objection to the draft Study is noted.</p> <p>The photos provided in the submission show that the house has been rendered and painted. The brown brick is no longer exposed.</p>

<p>support the inclusion of their property in the Heritage Overlay.</p> <p>The submitter does not agree with Council's approach to driving heritage listing and is of the opinion it is heavy-handed and designed to divide, conquer and push forward an agenda lobbied for by those with a vested interest in heritage buildings, and that these individuals do not represent the wider Bayside community.</p> <p>The submitter has learnt through dialogue with several independent heritage consultants that heritage listing is a highly subjective practice and refers to an excerpt from the Productivity Commission's 2006 Report in relation to the subjectivity of heritage conservation.</p> <p>The submitter is concerned by the time and cost spent fighting against the recommendation of the draft Study. The submitter is also concerned by the fact that any house can just become heritage listed at any time, even if they bought the house without a heritage overlay upon it at the time.</p> <p>The submitter refers to a number of statements made at a Council meeting on 15 March 2022 and agrees with the statements made.</p> <p>The submitter is of the opinion that there is a question of transparency and fairness of the process for property owners and have unanswered questions as to how GJM Heritage were chosen to prepared the draft Study. The submitter is also</p>	<p>The changes to the property have been noted in the revised Statement of Significance.</p> <p>Council notes the submitters disagreement with the approach taken to heritage listed. Council has taken the approach that it is responsible to undertake under the <i>Planning and Environment Act</i> 1987, and has had a heritage study prepared by a suitably qualified expert.</p> <p>Council is aware that heritage listing is highly subjective, as are most planning matters which is why Independent Planning Panels are appointed, so that submitters and Council can present their case to an independent party. The Independent Planning Panel also provides opportunity for expert witnesses to provide written statements and be cross-examined.</p> <p>With regard to the submitters concern in relation to the application of the heritage overlay and how this can be applied at any time, it is noted that the conservation of heritage places is not static, and is a responsibility that Council's must continue to uphold. Under the <i>Planning and Environment Act</i> 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 is not a responsibility individually allocated to Bayside City Council. All other Victorian Councils must uphold this responsibility by preparing heritage studies and introducing the Heritage Overlay on properties identified as heritage significant.</p> <p>Council notes the appointment of GJM Heritage was undertaken in accordance with Council's procurement policy. As identified in the draft Study, the published book, 'Beaumaris Modern' (2018) has been referenced.</p> <p>With regard to the submitters opinion to postpone the draft study, it is noted that Council has already postponed and abandoned studies previously which has led to the loss of significant properties in Bayside. As aforementioned in this response, under the <i>Planning and Environment Act</i> 1987, Council has a responsibility for heritage conservation, as part of Section 4(1)(d), 'to conserve</p>
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<p>concerned by the reference of an architecture enthusiast in the draft Study and is of the opinion this significantly diminishes the independence of GJM Heritage.</p> <p>The submitter is of the opinion that the draft study should be postponed whilst a more optimal process is available. The submitter refers to the success of the voluntary nomination process, given 9 out of 15 properties that were self-nominated met the threshold for inclusion in the Heritage Overlay, with one of these properties meeting even stricter definitions for State significance.</p> <p>The submitter is concerned that the inclusion of their property in the draft Study is a poor use of public funds.</p> <p>The submitter finds it hard to see how GJM heritage consultant or any other heritage expert can be genuinely impartial, and that heritage significance is subjective.</p> <p>The submitter is concerned by the uneven balance of financial power, noting that they have had to find time to respond to the findings of the draft Study outside of their work hours.</p> <p>The submitter compares budgetary items in the Heritage Action Plan 2020, specifically the budget for the preparation of studies, and the staff time to support owners of properties in the Heritage Overlay.</p>	<p>and enhance those buildings, areas or otherwise of special cultural value.’ This is not a responsibility individually allocated to Bayside City Council.</p> <p>As the submitter refers to in their submission, Council has previously adopted a voluntary approach to heritage protection. However, this was not supported by the Minister for Planning as it was considered the process did not adequately fulfil Council’s responsibilities under the <i>Planning and Environment Act 1987</i>. 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.</p> <p>The properties recommended for inclusion in the Heritage Overlay were only provided interim heritage controls, and the property nominated for State significance has not yet been assessed by Heritage Victoria, hence has not been listed in the Victorian Heritage Register.</p> <p>As previously mentioned in this response, GJM Heritage consultants were appointed to prepare the draft Study in accordance with Council’s procurement policy. As outlined within the draft Study, a rigorous assessment has been undertaken in preparation of this draft Study. Council’s heritage consultant has prepared the draft Study in accordance with Planning Practice Note 1: <i>Applying the Heritage Overlay</i> alongside the principles of the ICOMOS Burra Charter ‘Understanding and assessing cultural significance’ Practice Note.</p> <p>An action from the <i>Heritage Action Plan 2020</i> is to investigate opportunities to further support owners of heritage properties. This is scheduled to commence in 2025/26. Council does not currently have a funding or grant schemes in place to assist owners of heritage properties with property maintenance. Any consideration of funding schemes falls outside the scope of the draft Post-War Modern Residential Heritage Study.</p> <p>Council notes that property values are not a planning matter and is generally not a relevant consideration under the <i>Planning and Environment Act 1987</i> or the Bayside Planning Scheme. It is noted that property value can go up and down for a number of reasons (including but not limited to):</p> <ul style="list-style-type: none"> • The quality of the building/dwelling
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<p>Te submitter is concerned by what they might expect if their home is heritage listed, particularly in relation to ongoing maintenance and repair, potential loss of property value and unforeseen costs to make alterations in the future.</p> <p>due to the potential impact on the resale value of the property, the number of alterations that have occurred, the perceived inaccuracies within the Statement of Significance, the imposition on the human rights of the property owners and the restrictions on any future alterations/ development a Heritage Overlay would apply. The submitter believes property owners should be compensated by Council for the imposition of the Heritage Overlay. The submitter also questions the integrity and transparency of the process Council has undertaken. The submitter proposes any implementation of a Heritage Overlay should be voluntary in nature.</p> <p>The submitter refers to the schedule to the Heritage Overlay and notes that a permit is required to subdivide land, demolish or remove a building, carry out works, repairs and routine maintenance which change the appearance of a heritage place, or which are not undertaken to the same details, specifications and materials.</p> <p>The submitter is also concerned that their home is at risk of being subjected to higher insurance premiums if their home is heritage listed.</p>	<ul style="list-style-type: none"> • The location and size of the building/dwelling • Market conditions and seasonal fluctuations; • Amenity; • The state of neighbouring properties; • Building use; • Rental return; and • Economic conditions. <p>It is therefore difficult to isolate the specific effects of a heritage listing and whether a Heritage Overlay alone impacts the 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 factors influencing property 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.</p> <p>The Heritage Overlay does not prevent owners from renovating their home or undertaking alterations and additions.</p> <p>The draft Study has not recommended internal controls be applied to any of the identified properties. That means that any changes to the house internally to ensure safer building standards would not require a planning permit for heritage reasons.</p> <p>With regard to changes to the external features, it is noted that the Heritage Overlay does not prevent change, but it does provide a control to ensure that changes are done in a way that respects the values of the place.</p> <p>General maintenance, repair and replacement of failed elements (roofing, rainwater goods, windows, doors etc) on a like-for-like basis do not require a permit. Changes that alter the appearance and fabric of the building will require approval (either a through a planning permit or a streamlined VicSmart permit).</p> <p>It is also noted, in reference to the submitters concern that a permit is required to subdivide or demolish or remove a building in a Heritage Overlay, that these requirements are also subject to many buildings that are not within the Heritage Overlay. A permit is required to subdivide land within the Neighbourhood</p>
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<p>The submitter would like to know how Council or State Government could realistically reassure the property owner of possible effects on alteration costs to a heritage listed home. The submitter is concerned that by making residents unable to make alterations without permission is not in keeping with the need of our growing population.</p> <p>The submitter is concerned that their rights to peacefully enjoy their property have been taken away. They are also concerned by the impacts to homeowners' wellbeing in response to the findings of the draft Study and the possible inclusion of homes in the Heritage Overlay. The submitter feels singled out and worried for their future.</p> <p>The submitter is of the opinion that their home is not suitable for inclusion in a heritage overlay as part of a group or as an individual building. The submitter does not believe the property is unique or significant and refers to numerous statements made in the draft Study.</p> <p>The submitter bought their home in a state of disrepair after many years of neglect by previous owners. The home is energy inefficient and does not understand how Council could condemn residents to live in a property unable to be meaningfully renovated or developed to the needs of the times.</p> <p>The submitter is of the opinion that the methodology undertaken by Council's heritage consultant is flawed and that the listing of their</p>	<p>Residential Zone, and a building permit is required for the demolition of the building, regardless as to whether it is in a Heritage Overlay or not. Council cannot reassure the submitter on the alteration costs required for a heritage listed home. It is noted that Council has developed the <i>Bayside Housing Strategy</i> to guide how residential development in Bayside will be planned and managed over the next 20 years. There are specific Planning controls within Bayside's Activity Centres and Housing Growth Areas to accommodate housing growth, and these have been prepared in alignment with the State Government policy, particularly <i>Plan Melbourne 2017 - 2050</i>.</p> <p>It is also noted to the submitter that internal changes can occur without a planning permit to make their home more sustainable and energy efficient, and that the Heritage Overlay does not prohibit this.</p> <p>As recognised within the draft Study, Council's heritage consultant has recommended the inclusion of properties within Bellaire Court as a serial listing in the Heritage Overlay. If a planning scheme amendment is to progress, an Independent Planning Panel will be appointed, and the merits of this listing can be put forward by submitters and Council for the independent panel member(s) to consider and make recommendation.</p> <p>While the submitter does not perceive their home to be of significance, Council's heritage consultant's expert opinion is that the properties identified within the Draft Post-War Modern Residential Heritage Study may be of local heritage significance. This identification has been based upon research and a site inspection of the properties 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 draft Statement of Significance for each property included in the draft Post-War Modern Residential Heritage Study outlines why the property has been included in the draft Study.</p>
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	<p>property in a serial listing is inappropriate and refers to various Panel Reports where serial listings have been discussed.</p> <p>The submitter refers to the assessment undertaken against the criteria set out in the Planning Practice Note 1: Applying the Heritage Overlay and is of the opinion that the criteria has not been met. Further, the submitter does not agree with the comparative analysis that has been undertaken, nor are of the opinion that the builder of their home is notable.</p> <p>The submitter requests the immediate removal of their house from the study.</p>		
54	<p>Oppose</p> <p>The submitter acts on behalf of their client, a property owner identified within the draft Study.</p> <p>The submitter's client objects to the inclusion of all properties identified for inclusion in a Heritage Overlay, unless there is a proper mechanism being put in place for compensation for loss of market value of each of these properties by reason of the effect of the property Heritage Overlay on the sale price and/or redevelopment value of each of these sites.</p> <p>The submitter states that the property has been significantly altered over the years and outlines what these changes are, alongside photographic evidence.</p>	22 Gramatan Avenue, Beaumaris	<p>Objection to the draft Study is noted.</p> <p>The changes made to the property over the years has been provided to Council's heritage consultant. A revised Statement of Significance has been prepared removing elements that no longer contribute to the significance of the place.</p>

55	<p>Oppose</p> <p>The submitter does not support the inclusion of their property in the Heritage Overlay due to the potential financial impacts, the number of alterations that have occurred and the perceived inaccuracies within the Statement of Significance.</p> <p>The submitter also questions why any overlay involves the entire lot and is not limited to the dwelling only.</p>	56A Dendy Street, Brighton	<p>Objection to the draft Study is noted.</p> <p>The changes made to the property over the years, as well as the information to correct the draft Statement of Significance has been provided to Council's heritage consultant. A revised Statement of Significance has been prepared.</p> <p>The recommended heritage curtilages have been determined in accordance with the guidance provided in <i>Planning Practice Note 1: Applying the Heritage Overlay</i>.</p>
56	<p>Oppose</p> <p>The submitter objects to their home being heritage listed. While they have no intention of changing or altering the outside of their home, they have replaced the roof. After years of neglect by previously owners, the submitter is slowly making repairs. The submitter does is of the opinion that the heritage listing will affect the sale of their home in the future if and when they decide to sell. The submitter also objects to 'groups' having a say over their private property.</p>	344 Beach Road, Black Rock	<p>Objection to the draft Study is noted.</p> <p>Council notes that property values are not a planning matter and is generally not a relevant consideration under the <i>Planning and Environment Act 1987</i> or the Bayside Planning Scheme. It is noted that property value can go up and down for a number of reasons (including but not limited to):</p> <ul style="list-style-type: none"> • The quality of the building/dwelling • The location and size of the building/dwelling • Market conditions and seasonal fluctuations; • Amenity; • The state of neighbouring properties; • Building use; • Rental return; and • Economic conditions. <p>It is therefore difficult to isolate the specific effects of a heritage listing and whether a Heritage Overlay alone impacts the 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 factors influencing property 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.</p>

57	<p>Oppose</p> <p>The submitter does not support the inclusion of their home in the Heritage Overlay.</p> <p>The submitter provides detailed description to the changes made to the building, the front fence and the landscaping on the property.</p> <p>The submitter is concerned that the compulsory action of the Heritage Overlay removes the owner's rights to use their property as they see fit. The submitter wants to install a solar power which they now believe cannot be done if a Heritage Overlay was applied.</p> <p>The submitter is of the opinion that the Minister for Planning alongside Bayside City Council are dictating what can and cannot be done to their home and this will adversely affect the future value and saleability of the property. The submitter believes the Heritage Overlay should be by request of the owner of the property.</p>	<p>1-4/2-4 Haldane Street, Beaumaris</p>	<p>Objection to the draft Study noted.</p> <p>Details of alterations that have occurred were provided to Council's heritage consultant and a site inspection was undertaken. The Statement of Significance has been updated to reflect a more accurate understanding of the place.</p> <p>It is also noted that the Heritage Overlay does not restrict property owners from installing solar panels. A VicSmart planning permit would be required and is assessed in 10 days. Council may have questions or recommendations on the placing of the proposed solar panels as part of this VicSmart planning application.</p> <p>Many submissions have raised concerns regarding the enforced nature of the heritage process. The Draft Post-War Modern Residential Heritage Study follows three previous attempts (2007, 2017, 2018) by Council to conduct studies and planning scheme amendments 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 was not supported by the Minister for Planning as it was considered the process did not adequately fulfil Council's responsibilities under the <i>Planning and Environment Act 1987</i>. 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.</p>
58	<p>Oppose</p> <p>The submitter acts on behalf of the property owner with a home listed in the draft Study. The property owner does not support the inclusion of their property within the Heritage Overlay as the submitter is of the opinion that the property does not meet the threshold of individual significance for either historical or architectural representativeness as a Modernist home in Bayside when assessed against the HERCON criteria.</p>	<p>22 Weatherall Road, Cheltenham</p>	<p>Objection to the draft Study noted.</p> <p>Upon consideration of the material provided in relation to this property, Council's heritage consultants have determined that this place does not meet the threshold for inclusion in the Heritage Overlay and are not recommending further heritage controls in relation to this site.</p>

	<p>The submitter has annotated sections of the draft Statement of Significance and discusses these points with further detail. The submitter also provides further information indicating the alterations and additions that have occurred over the years, provided photographic evidence of these changes.</p> <p>It is the submitters opinion that these alterations have substantially changed the form and materiality of the house, so that it cannot be said that the house is 'highly intact' or 'has a high level of integrity to its original design.'</p>		
59	<p>Oppose</p> <p>The submitter does not support the inclusion of their property in the Heritage Overlay due to the number of alterations that have occurred and the perceived inaccuracies within the Statement of Significance. The submitter has provided detailed information and photos of their home and the changes made over the years.</p>	1-6/57 Royal Avenue and 1-6/64 Victoria Street, Sandringham	<p>Objection to the draft Study is noted.</p> <p>Details of alterations that have occurred were provided to Council's heritage consultant and a site inspection was undertaken. It is noted that many of the changes to the home outlined by the submitter were internal, which does not impact the assessment of the property. Internal heritage controls have not been recommended by Council's heritage consultant.</p> <p>The alterations that have occurred to external form have been considered by Council's heritage consultant. The Heritage Citation has been revised to note these alterations. It is Council's heritage consultants view that despite some alterations, the property remains substantially intact and retains the ability to be understood and appreciated as an example of a 1970s multi-residential development designed in the Post-War Modernist style.</p>
60	<p>Oppose</p> <p>The submitter does not support the inclusion of this property in the Heritage Overlay. The submitter is of the opinion that the property has not sufficient</p>	1 Hutchison Avenue, Beaumaris	<p>Objection to the draft Study is noted.</p> <p>While the submitter states that various alterations and additions have occurred over the years, no further evidence (listing or photographs) were provided to support the submission. The submission was provided to Council's heritage consultant. A revised Statement of Significance has been prepared.</p>

<p>local importance to justify its inclusion within a Heritage Overlay.</p> <p>The submitter has concerns with the robustness of the methodology and the citations in this report and that Council's heritage consultant does not provide a balanced, factual summary. The report contains only information which supports a heritage listing, rather than a balanced view with the reasons a home should or should not be listed. The submitter states that Councillors must be concerned that the reports provided are not balanced and peer reviewed.</p> <p>The submitter notes that the citation has been prepared with no on-site inspection and only observation from the street and that no peer review of the heritage study has occurred.</p> <p>The submitter requests that the draft Study be peer reviewed or re-written to reflect accurate information. The submitter provided points (summarised below) that they believe does not support the home being heritage listed:</p> <ul style="list-style-type: none"> • The architect of the property is of no acclaim • There are factual errors about features that must be removed or included – the submitter states that there have been extensive alterations to the original fabric which have not been stated in the report. <p>The submitter provides detailed comments in relation to the draft Statement of prepared as well as comments with regard to the HERCON criteria</p>	<p>Council notes that the draft Study has been prepared by suitably qualified heritage experts that have prepared numerous heritage studies across Australia.</p> <p>A rigorous assessment has been undertaken in preparation of the Study. While an on-site inspection cannot be undertaken without the consent of the property owner, it is common practice to assess the merits of a potentially significant heritage place from the public realm.</p>
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	and their consideration that this criterion has not been met. The submitter is also of the opinion that the comparative analysis are all homes designed by significant architects that cannot be compared to the architect who designed this home.		
61	<p>Oppose</p> <p>The submitter is of the opinion that there are serious shortcomings of this entire heritage process and that it is seriously flawed and that there is no merit based on the research undertaken as part of the preparation of the draft heritage citation for their property.</p> <p>The submitter is also of the opinion that the assessment undertaken for properties listed in the “Individual Places Not Recommended for the Heritage Overlay” (Volume 1 of the draft Study) is subjective, unprofessional, unfair and would seem to go outside the guidelines.</p> <p>The submitter states that the issuing of the community Heritage Overlay has been expensive, time consuming, traumatic and caused considerable angst. It is unconscionable that with all the properties listed it has been left to the owners to refute the listing as a result of a street walk-by.</p> <p>The submitter states that ‘getting this far has been expensive and totally unwarranted by both Bayside City Council and their appointed consultants who produced the Citation. Should any further costs be</p>	24 Victor Street, Beaumaris	<p>Objection to the draft Study is noted.</p> <p>Information and photos of changes made to the home were provided to Council’s heritage consultant.</p> <p>Upon consideration of the material provided in relation to this property, Council’s heritage consultants have determined that this place does not meet the threshold for inclusion in the Heritage Overlay and are not recommending further heritage controls in relation to this site.</p>

	<p>required to be incurred, we intend to see those costs from Council in an appropriate forum.'</p> <p>The submitter provided detail to the changes that have occurred over the years and how this was relevant to the draft Statement of Significance prepared.</p>		
62	<p>Oppose</p> <p>The submitter acts on behalf of the proprietors of a property identified in the draft Study. The owners object to the inclusion of the property in the draft study and any application of a Heritage Overlay to the property.</p> <p>The submitter has attached information relating to the alterations and additions that have occurred over the years at the property. The submitter is of the opinion given the nature and extent of the alterations that have been made to the property, it can no longer be considered an intact example of a modernist house that warrants inclusion in the Heritage Overlay and, as such, the property does not meet the threshold required for local significance in accordance with the heritage criteria set out in <i>Planning Practice Note 1</i>.</p> <p>The submitter provides a more in-depth overview of the alterations to the property. The submitter also states that Council's heritage consultant have not satisfactorily assessed the property from the private realm to understand the extent of changes to the property.</p>	9 Wolseley Grove, Brighton	<p>Objection to the draft Study is noted.</p> <p>The submission, alongside all supporting information and heritage advice, was provided to Council's heritage consultant. The Statement of Significance and Heritage Citation have been revised to include information outlining the alterations and additions that have occurred.</p> <p>Council's heritage consultant is of the view that the additions and alterations have been sensitively designed and that the home still displays a range of characteristics that are typical of Post-War Modernist housing from this period in the suburb and across Victoria.</p>

	<p>The submitter makes not of factual inaccuracies in the draft heritage citation and provides correction.</p> <p>The submitter also refers to excerpts from the Executive Director of Heritage Victoria assessment of the place, as it was previously nominated for inclusion in the Victorian Heritage Register. The submitter notes the Executive Directors assessment being that the place is not in original condition.</p> <p>The submitter also makes submissions in relation to the property and its assessment against the HERCON criteria. The submitter has also stated that if necessary, Council's heritage consultant should undertake an on-site inspection to confirm the nature and magnitude of alterations to the property.</p> <p>The submission was later supported by heritage advice which states that the implications of the alterations and additions have not been acknowledged and analysed in putting forward the suggestion that the place is of local significance within the context of comparable, and often more intact, post-war modern houses. The heritage advice states that the citation does not provide an appropriate assessment of the place sufficient to warrant its listing under the Heritage Overlay.</p>		
63	<p>Oppose</p> <p>The submitter is not pleased with Council's decision to reverse the voluntary Heritage Overlay program for Bayside.</p>	N/A - Submission not relating to a specific property	<p>Objection to the draft Study is noted.</p> <p>The Draft Post-War Modern Residential Heritage Study follows three previous attempts (2007, 2017, 2018) by Council to conduct studies and planning scheme amendments to identify mid-century modern properties for potential heritage protection and introduce heritage controls (interim and permanent). This includes</p>

	<p>The submitter is concerned by the lack of consultation prior to properties being included in another study.</p> <p>The submitter believes Council should investigate opportunities for funding initiatives from the State and Federal government to establish a heritage financial assistance program to assist owners of heritage places listed in the Bayside Planning Scheme.</p> <p>The submitter discusses the costs to conserve heritage places and that this can be a burden on heritage homeowners.</p> <p>The submitter states that the Act gives Council the right but also the obligation to look at all properties over different eras and not to be constrained to look at properties that are only a partial representation of the history and architectural of a particular period. The submitter argues that for this reason the project has been subjective and will miss various styles or architecture all because they are not 'mid-century modern.'</p>		<p>the adoption of an untried voluntary approach to heritage protection which was not supported by the Minister for Planning as it was considered the process did not adequately fulfil 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.</p> <p>Council notes that the study is a draft, and that this step in the process is the very first step, and any application of a Heritage Overlay upon properties will not be applied until a full planning scheme amendment process has occurred.</p> <p>An action from the <i>Heritage Action Plan 2020</i> is to investigate opportunities to further support owners of heritage properties. This is scheduled to commence in 2025/26. Council does not currently have a funding or grant schemes in place to assist owners of heritage properties with property maintenance. Any consideration of funding schemes falls outside the scope of the draft Post-War Modern Residential Heritage Study.</p> <p>Council notes that while this Study focuses on the post-war era, other heritage studies have been completed in the past which have identified houses from other periods of time, and these homes have been successfully included within the Heritage Overlay of the Bayside Planning Scheme. However, there has been a lack of identification and protection particularly for inter-war and post-war homes. This is part of the reason Council has prioritised the preparation of this Study, and will continue to identify and protect heritage places from other eras through the preparation of other heritage studies in the future.</p>
64	<p>Support</p> <p>The submitter strongly supports the recommendations relating to the draft Post-War Modern Residential Heritage Study and congratulates Bayside City Council on progressing the study.</p> <p>The submitter supports and advocates for the protection and celebration of significant heritage</p>	N/A – Community Organisation Submission	Support for the draft Study is noted.

<p>places and applauds the holistic approach to this study undertaken by Council's heritage consultant, and how this has been outlined through the contextual history in Volume 2 of the draft study.</p> <p>The submitter states that the draft study strongly aligns with the submitters mission to 'inspire the community to appreciate, conserve and celebrate its diverse natural, cultural, social and Indigenous heritage' and vision that our 'diverse heritage is protected and respected, contributing to strong, vibrant and prosperous communities.'</p> <p>The submitter encourages Council to urgently prepare a planning scheme amendment to implement the recommendations of the draft study so that the properties identified can be protected.</p> <p>The submitter notes the strategic justification of the Study and the alignment to the Heritage Action Plan 2020.</p> <p>The submitter states they are sympathetic to the tensions that exist within the community regarding the application of the Heritage Overlay to private residential properties, however, they believe these issues are best addressed through the Planning Scheme Amendment process, which provides the opportunity for all parties to make a submission before an independent planning panel appointed by the Minister for Planning.</p> <p>The submitter refers to a Planning Panel report where challenges in relation to the balancing views of supports and objectors were faced.</p>		
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	<p>The submitter states that they have become aware of misinformation being circulated in the community regarding the implications of Heritage Overlay protection on private property. The submitter states that it is a common misconception that a place affected by a Heritage Overlay cannot be altered, extended, or subdivided and that in fact, inclusion in the Heritage Overlay allows new works to take place, including additions, alterations and extensions, as long as they are sensitive to the heritage values of the place. The submitter urges Council to counteract misinformation regarding the implications of Heritage Overlay protection on private property.</p> <p>The submitter has also provided a list of additional properties they recommend for consideration as part of the draft study.</p>		
65	<p>Oppose</p> <p>The submitter does not support the inclusion of their property in the Heritage Overlay. The submitter states that their home has been substantially renovated and no longer has the significant features which have been outlined within the draft Study.</p> <p>The submitter states that the plans and photos provided show that the house has been altered and is not intact. Further, the submitter is of the opinion that the comparative analysis identifies other homes that are not comparable.</p>	4 Bellaire Court, Beaumaris	<p>The submission, alongside all supporting information was provided to Council's heritage consultant. A revised Statement of Significance has been prepared.</p> <p>Council notes the submitters objection to the draft Study and the process in applying the Heritage Overlay. Under the <i>Planning and Environment Act 1987</i>, Council has a responsibility for heritage conservation, as part of Section 4(1)(d), <i>'to conserve and enhance those buildings, areas or otherwise of special cultural value.'</i></p>

	The submitter lastly states that the home is their greatest asset and they should be the one to decide if a Heritage Overlay is applied or not.		
66	<p>Support</p> <p>The submitter believes heritage is an effective legislated process that helps us protect our cultural identity. The submitter is concerned that we've lost over 100 mid-century homes over the last 20+ years of inaction, and that only three homes in Beaumaris are currently protected.</p> <p>The submitter states that heritage listed homes can be renovated for modern living despite misconceptions. Mid-century homes are becoming increasingly desirable and represent more than land-value. Heritage protection saves significant homes from demolition, reducing needless landfill waste.</p>	N/A - Submission not relating to a specific property	Support for the draft Study is noted.
67	<p>Oppose</p> <p>The submitter does not support the inclusion of their property in the Heritage Overlay.</p> <p>The submitter has provided information detailing the number of changes that have occurred over the years to the property.</p> <p>The submitter does not want their property in the Heritage Overlay as they believe their amenity has already been severely diminished by demolition and redevelopment of existing buildings within their surrounding area. As there is no original buildings within their immediate surrounds, as they have all</p>	1-8/175 Church Street, Brighton	<p>Objection to the draft Study is noted.</p> <p>The submitter did not provide any photo evidence of the changes made however the information was provided to Council's heritage consultant. A revised Statement of Significance has been prepared.</p> <p>The submitter raises concerns with changes that have occurred surrounding the property and Council's attitude to properties and development in general. It is noted that heritage places add to Bayside's local character, and the protection of heritage places can assist in maintaining existing valued neighbourhood character and inform future development (including that of adjoining properties) by ensuring they do not detract from the heritage significance of the heritage place.</p>

	been demolished, the submitter is of the opinion this has fractured the actual original character of the vicinity.		
68	<p>Oppose</p> <p>The submitter does not support the inclusion of their parents' property in the Heritage Overlay.</p> <p>The submitter does not agree with the comparative analysis that has been undertaken for the property and refers to an error that has been made in the analysis.</p> <p>The submitter also refers to other statements in the draft Statement of Significance and draft Heritage Citation and is of the opinion that these statements may not be true.</p> <p>The submitter queries if a solution could be sought to move the draft Study forward by only identifying those properties where property owners have no interest in the issues and no objections. The submitter suggests allowing for voluntary listing of properties to occur.</p>	2 High Street, Beaumaris	<p>Objection to the draft Study is noted.</p> <p>The Heritage Citation has been revised and the error within the comparatively analysis has been corrected.</p> <p>With regard to the submitters suggestion to undertake a voluntary scheme, the Draft Post-War Modern Residential Heritage Study follows three previous attempts (2007, 2017, 2018) by Council to conduct studies and planning scheme amendments 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 was not supported by the Minister for Planning as it was considered the process did not adequately fulfil Council's responsibilities under the <i>Planning and Environment Act</i> 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..</p>
69	<p>Oppose</p> <p>The submitter does not support the inclusion of their property in the Heritage Overlay. The submitter is appalled by the process of the draft Study being dictatorially imposed on property owners.</p> <p>The submitter states that this is a time of extreme stress in the Australian community due to the Covid pandemic and this draft Study poses additional</p>	11 Summerhill Road, Beaumaris	<p>Objection to the draft Study is noted.</p> <p>Under the <i>Planning and Environment Act</i> 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 is not a responsibility individually allocated to Bayside City Council. All other Victorian Councils must uphold this responsibility by preparing heritage studies and introducing the Heritage Overlay on properties identified as heritage significant.</p> <p>Council is aware that the Draft Post-War Modern Residential Heritage Study follows three previous attempts (2007, 2017, 2018) by Council to conduct</p>

	<p>stress on members of the Bayside community. The submitter is of the opinion that Bayside Councillors should be advocating for the physical and mental health of our community with Mr Richard Wynne MP (Minister for Planning) and that the draft Study be promptly ceased.</p> <p>The submitter states that while their home was designed by architect Neil Clerehan and has some characteristics of the architectural fashions of the 1950s, this does not justify its heritage listing.</p> <p>The submitter is concerned that a Heritage Overlay would mean that the home is required to be maintained at the owners personal expense with a significant financial burden.</p> <p>The submitter notes that their home has not been identified in the book describing his work, "the Architecture of Neil Clerehan" by H Edquist and R Black and that the submitters home is not representative of the architect's better work. Further, the submitter notes that the property has ben significantly altered from the original building and has significant architectural defects and major deficiencies throughout the interior.</p>		<p>studies and planning scheme amendments 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 was not supported by the Minister for Planning as it was considered the process did not adequately fulfil Council's responsibilities under the <i>Planning and Environment Act 1987</i>. 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.</p> <p>The submission was provided to Council's heritage consultant, and it was considered that the home is substantially intact and retains the ability to be understood and appreciated as an example of a 1950s Post-War modernist home. The Statement of Significance and Heritage Citation has been revised to note the alterations that have occurred.</p>
70	<p>Support</p> <p>The submitter congratulates Bayside City Council and Councillors for commissioning the draft Post-War Modern Residential Heritage Study. The submitter states that the report is highly professional and that Council's appointed heritage consultant are experts in the field. The submitter urges Council to accept all recommendations</p>	N/A – Community Organisation Submission	Support for the draft Study is noted.

<p>provided by Council's heritage consultant and move to implement protections by producing a Planning Scheme Amendment.</p> <p>The submitter discusses the back story to heritage studies in Bayside in the 21st century and that over the course of 20 years, post-war heritage studies have been derailed. The submitter states that all other Victorian councils have completed their heritage studies and gone through a rigorous process, devised by the state Government, to ensure an informed, thorough and fair outcome.</p> <p>The submitter advocates for the timely progression of the Post-War Modern Residential Heritage Study through the planning scheme amendment process and that this should be put forth with Amendment C178bays and the citation for the Beaumaris Art Group with recommendation for addition to the Heritage Overlay.</p> <p>The submitter feels it's very important Councillors do not seek to remove properties from the study for emotional reasons. Councillors are not heritage architects and do not have the specialist knowledge required for final decisions. The submitter states that this is what the panel hearing is for.</p> <p>The submitter also discusses the imbalance of inter-war and post-war heritage in Bayside, noting that a large number of properties in Brighton, Sandringham and Hampton have been added to the Heritage Overlay over the years, however prior to 2008, these heritage studies have largely ignored inter-war and post-war architecture. The</p>		
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<p>submitter is concerned by the lack of heritage listed places located in Beaumaris and Black Rock.</p> <p>The submitter is also concerned by the distribution of misinformation and that this has put fear into mid-century property owners. The submitter dispels what they consider the four main myths that they hear repeatedly in submissions to council from anti-heritage campaigners, being:</p> <ol style="list-style-type: none"> 1. Heritage protection diminishes property value 2. Heritage protection prevents owners from renovating their homes 3. Heritage protection should be only for older buildings – mid-century modern buildings are not worthy 4. Heritage is 'mandatory' and should be voluntary. <p>The submitter also recommends Council implement a funding scheme, or even other methods such as rate reductions, interest-free loans or a lottery fund to ensure owners of heritage properties can see assistance when needed, to continue to enjoy their homes. Further, the employment of a Bayside heritage architect on Council would provide an advocate within Council for heritage properties and to provide guidance for planning officers.</p> <p>The submitter states that it is truly sad that our local heritage has been so poorly considered over 20 years. Increasing the number of properties in the Heritage Overlay to include mid-century modern properties should have happened long ago.</p>		
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	<p>The submitter states that the ongoing uncertainty is unhelpful for a community that values its history and unique identity, for property owners who have had to try and understand up to 4 different heritage processes since 2008 and for prospective buyers of these properties when they come on the market.</p> <p>The submitter notes that there is a long-established legislative framework in Victoria for the assessment, classification, ratification and management of heritage, and that this study must be allowed to proceed through its process to result in additions to the Heritage Overlay.</p> <p>The submitter provides an addendum to their submission with additional information regarding several properties identified in the draft study.</p>		
71	<p>Oppose</p> <p>The submitter does not support the inclusion of their property in the Heritage Overlay due to the number of alterations that have occurred, the perceived inaccuracies within the Statement of Significance and in general terms the financial implications of inclusion within an overlay. The submitter notes major demolition work has occurred at the property comprising the integrity and heritage significance of the dwelling.</p>	89 Oak Street, Beaumaris	<p>Objection to the draft Study is noted.</p> <p>Upon consideration of the material provided in relation to this property, Council's heritage consultants have determined that this place does not meet the threshold for inclusion in the Heritage Overlay and are not recommending further heritage controls in relation to this site.</p>
72	<p>Oppose</p> <p>The submitter does not support the inclusion of their property in the Heritage Overlay. The</p>	82 Pellatt Street, Beaumaris	<p>Objection to the draft Study is noted.</p> <p>Upon consideration of the material provided in relation to this property, Council's heritage consultants have determined that this place does not meet the threshold</p>

	<p>submitter notes that there have been a number of major alterations made to the house and are in the process of being completed to date.</p> <p>The submitter provides photos of the extent of renovations currently occurring and notes that these modifications obscure the original design intent for the property and diminishes the integrity of the dwelling.</p> <p>The submitter notes the purpose of the mid-century modern dwellings were deliberately temporary in nature using cheaper materials to reflect the economic climate at the time.</p> <p>The submitter implores Council's heritage consultant to explain the threshold for a property to be considered for the Heritage Overlay, an incredibly subjective criteria to meet.</p> <p>The submitter is against retrospectively forcing Heritage Overlays on individual homeowners and is of the opinion that voluntary heritage schemes exist across Australia.</p>		<p>for inclusion in the Heritage Overlay and are not recommending further heritage controls in relation to this site.</p>
73	<p>Oppose</p> <p>While the submitter recognises their property is an attractive example of mid-century architecture, they are of the opinion that it has suffered substantial modifications over the years, including to its integral components of its design.</p> <p>The submitter also refers to various statements made within the draft Statement of Significance</p>	<p>28 Clonaig Street, Brighton East</p>	<p>Opposition to the inclusion of the submitters home (for the reason that it is considered too many changes have occurred) is noted.</p> <p>Upon consideration of the material provided in relation to this property, Council's heritage consultants have determined that this place does not meet the threshold for inclusion in the Heritage Overlay and are not recommending further heritage controls in relation to this site.</p>

	<p>which they believe to be errors and an inaccurate depiction of the property.</p> <p>The submitter provides a list of the changes made to the property over the years both internally and externally. The submitter also states that despite the lack of suitability of their property for heritage listing, it is their intention to continue to restore the property as sympathetically as possible and preserve it as a “mostly original” mid-century home.</p> <p>due to the number of alterations that have occurred and the perceived inaccuracies within the Statement of Significance</p>		
74	<p>Oppose</p> <p>The submitter does not support the inclusion of their property in the Heritage Overlay due to the number of alterations that have occurred and the perceived inaccuracies within the Statement of Significance. The submitter notes demolition has occurred at the site reducing the significance and integrity of the heritage place.</p>	1-8/16-20 Yuille Street, Brighton	<p>Opposition to the inclusion of the submitters property (for the reason that it is considered too many changes have occurred) is noted.</p> <p>Details of demolition that had occurred on the property was provided to Council’s heritage consultant and at the commencement of consultation on the draft Study, and a site inspection was undertaken.</p> <p>Upon consideration of the material provided in relation to this property, Council’s heritage consultants have determined that this place does not meet the threshold for inclusion in the Heritage Overlay and are not recommending further heritage controls in relation to this site.</p>
75	<p>Oppose</p> <p>The submitter does not support the inclusion of their property in the Heritage Overlay due to the number of alterations that have occurred, the perceived inaccuracies within the Statement of Significance and the potential financial implications of a Heritage Overlay.</p>	18 South Road, Brighton	<p>Objection to the draft Study is noted.</p> <p>Council’s heritage consultant has reviewed the changes made to the property and is of the consideration that the house is still of local heritage significance. Minor edits have been made to the Statement of Significance and Heritage Citation.</p> <p>Council notes that the Heritage Overlay does not prevent owners from renovating their home or undertaking alterations and additions. The draft Study has not recommended internal controls be applied to any of the identified properties. That</p>

<p>The submitter states the consultation process conducted by Council is unfair and unequal due to the financial implications of providing counter evidence to the draft statement of significance.</p> <p>The submitter outlines (and provides photographic evidence) of the changes made to the property over the years and that there is now a lack of integrity to the original design. The submitter is of the opinion that the home is unremarkable and has little historical significance in its present state and is not a prominent design of the architect, David Godsell.</p> <p>the submitter also provides photos of the house and its views to adjoining properties, and the lack of privacy due to apartment complexes being built on either sides. For this reason, the submitter also wants to build a new home that would provide them with privacy.</p> <p>The submitter also has concerns that any application of a Heritage Overlay would acquire significant financial costs as renovating, extending or maintaining their property would require a heritage consultant, building supplies and specific materials not found in the local hardware store.</p> <p>The submitter also states that there is a power balance as all groups that want to protect heritage places are well-funded and have full time professional staff who are highly experienced and knowledgeable heritage advocates. On the other hand, the submitter is of the opinion that they will need to personally engage lawyers and heritage</p>	<p>means that any changes to the house internally would not require a planning permit for heritage reasons.</p> <p>With regard to changes to the external facade, it is noted that the Heritage Overlay does not prevent change, but it does provide a control to ensure that changes are done in a way that respects the values of the place.</p> <p>There are no requirements under State legislation to maintain a locally significance heritage place to a certain standard. However, all homeowners do have a responsibility to maintain their homes to a habitable state.</p> <p>General maintenance, repair and replacement of failed elements (roofing, rainwater goods, windows, doors etc) on a like-for-like basis do not require a permit. Changes that alter the appearance and fabric of the building will require approval (either a through a planning permit or a streamlined VicSmart permit).</p> <p>Council also notes that it is not a requirement of this stage of the consultation process, or the Planning Panel Hearing, to be represented by a lawyer or expert heritage consultant or have an expert witness appointed. The Planning Panel process is designed to be a forum where anyone can represent themselves, without needing to engage expert evidence or representation. It is common to have residents advocating their own interests in this forum and Council officers can assist in relation to any further questions on the Planning Panel process.</p> <p>With regard to the submitters query as to why must Council heritage list properties, it is a responsibility of Council's under the <i>Planning and Environment Act</i> 1987 as part of Section 4(1)(d), 'to conserve and enhance those buildings, areas or otherwise of special cultural value.' This is not a responsibility individually allocated to Bayside City Council. All other Victorian Councils must uphold this responsibility by preparing heritage studies and introducing the Heritage Overlay on properties identified as heritage significant. Furthermore, there is a currently lack of representation of post-war era houses identified in the Heritage Overlay within the Bayside Planning Scheme.</p> <p>It is also noted to the submitter that internal changes can occur without a planning permit to make their home more sustainable and energy efficient, and that the Heritage Overlay does not prohibit this.</p>
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	<p>consults at their own expense to help navigate this process.</p> <p>The submitter also queries why properties need to be heritage listed, especially if there are already homes in Bayside identified in the Heritage Overlay that represent the post-war era with fidelity and integrity.</p> <p>The submitter also has concern for the environmentally inefficiencies of their home, as it lacks insulation, double glazing and has other major issues.</p> <p>The submitter feels that their rights have been taken from them and feel devastated, overwhelmed and confused by this imposed Heritage Overlay. The submitter does not support compulsory heritage listing, but does support voluntary or negotiated conservation agreements with additional grant funding to achieve better conservation outcomes.</p>		<p>With regard to changes to the external facade, it is noted that the Heritage Overlay does not prevent change, but it does provide a control to ensure that changes are done in a way that respects the values of the place.</p> <p>General maintenance, repair and replacement of failed elements (roofing, rainwater goods, windows, doors etc) on a like-for-like basis do not require a permit. Changes that alter the appearance and fabric of the building will require approval (either a through a planning permit or a streamlined VicSmart permit).</p> <p>The Draft Post-War Modern Residential Heritage Study follows three previous attempts (2007, 2017, 2018) by Council to conduct studies and planning scheme amendments 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 was not supported by the Minister for Planning as it was considered the process did not adequately fulfil Council's responsibilities under the <i>Planning and Environment Act</i> 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.</p>
76	<p>Oppose</p> <p>The submitter has witnessed and was concerned enough about the destruction of the 'once beautiful suburb of Brighton.' They have seen the suburb decimated by developers by replacing Edwardian, Victorian and post-war historic architecture with poorly designed and constructed concrete boxes, from boundary to boundary.</p> <p>However, the submitter now believes that community groups are now more concerned with</p>	N/A - Submission not relating to a specific property	<p>Objection to the draft Study is noted.</p> <p>The conservation of heritage places is not static, and is a responsibility that Council's must continue to uphold. Under the <i>Planning and Environment Act</i> 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 is not a responsibility individually allocated to Bayside City Council. All other Victorian Councils must uphold this responsibility by preparing heritage studies and introducing the Heritage Overlay on properties identified as heritage significant.</p> <p>Council notes that property values are not a planning matter and is generally not a relevant consideration under the <i>Planning and Environment Act</i> 1987 or the</p>

	<p>heritage than residents protection and this has become a major concern for the submitter.</p> <p>The submitter is concerned by the retrospective nature of the imposition of Heritage Overlays to private property and questions why compensation is not made available to property owners.</p>		<p>Bayside Planning Scheme. It is noted that property value can go up and down for a number of reasons (including but not limited to):</p> <ul style="list-style-type: none"> • The quality of the building/dwelling • The location and size of the building/dwelling • Market conditions and seasonal fluctuations; • Amenity; • The state of neighbouring properties; • Building use; • Rental return; and • Economic conditions. <p>It is therefore difficult to isolate the specific effects of a heritage listing and whether a Heritage Overlay alone impacts the 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 factors influencing property 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. As such, compensation is not something that is a relevant consideration, particularly at this stage in the process.</p>
77	<p>Support</p> <p>The submitter spent the first 25 years of their life in Beaumaris and then retired to Hampton 5 years ago, having lived in or visited many other parts of the country. The submitter urges Council to not underestimate the unique character of the post-war architecture of Beaumaris and its importance to our cultural identity. It is the submitters opinion that there is nowhere else quite like it in Australia. The submitter urges Council to take action to protect these homes.</p>	N/A - Submission not relating to a specific property	<p>Support for the draft Study is noted.</p>

<p>78</p>	<p>Oppose</p> <p>The submitter does not support the inclusion of their property in the Heritage Overlay due to the number of alterations that have occurred and the perceived inaccuracies within the Statement of Significance.</p> <p>The submitter is an MCM enthusiast and has visited many significant houses, however, is of the opinion that their own house is not significant. The submitter is of the opinion that the information presented in the draft Study in relation to their house is ambiguous, lacking merit, often deliberately esoteric and completely devoid of context.</p> <p>The submitter provides further detail as to why they believe their house is not significant. The submitter also believes that the process has been questionable and that Council have not been up front and that there is a lack of consultation with the homeowners.</p> <p>The submitter states that they believe Council has a strong duty of care and moral obligation to ensure it only looks at houses of significant architectural merit.</p> <p>The submitter is of the opinion the chosen strategy, process and path is placing stress on people and disregarding their mental and physical health and wellbeing.</p> <p>The submitter refers to various elements of the draft Statement of Significance and makes a</p>	<p>54 Haldane Street, Beaumaris</p>	<p>Objection to the draft Study is noted.</p> <p>While the submitter does not perceive their home to be of significance, Council's heritage consultant's expert opinion is that the properties identified within the Draft Post-War Modern Residential Heritage Study may be of local heritage significance. This identification has been based upon research and a site inspection of the properties 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 draft Statement of Significance for each property included in the draft Post-War Modern Residential Heritage Study outlines why the property has been included in the draft Study.</p> <p>Council has undertaken this consultation period on the draft Study as the first step of the heritage process. The purpose of this stage was information gathering to inform the Study, with further opportunity for the submitter to make a submission during the Planning Scheme Amendment process, as well as at any subsequent Planning Panel Hearing. The Planning Panel Hearing provides submitters and Council the opportunity to present their case to an independent party where they make recommendation on the significance of the places identified within the heritage Study.</p> <p>Council's heritage consultant has revised the heritage citation of the property to note the number of alterations that have been made since its construction. Council's heritage consultant has considered this and despite these alterations, the house remains substantially intact and retains the ability to be understood and appreciated as an example of a 1950s house built in the Post-War Modernist style.</p>
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<p>rebuttal as to why they believe the place is not significant. The submitter provides detail as to the external changes that have occurred over the years. The submitter also refers to the heritage criteria (A, D and E) and provides reasons they believe the criteria has not been met.</p> <p>The submitter is concerned that heritage listing their property would impact the property value. They are also concerned that heritage listing narrows your market of potential buyers.</p> <p>Further, the submitter is of the opinion that Council won't save its public buildings, so why should they take the rights off private owners. The submitter refers to the renovation of the Beaumaris Lawn Tennis Club and the Beaumaris Sports Club.</p> <p>The submitter is of the opinion that Council has deliberately chosen to misrepresent what the draft Study is about amongst the community and believe that it is intentional and ongoing as a strategy to wear down the exhausted homeowners. The submitter recommends Council only look at significant houses of architectural merit and not move forward with any other properties not considered significant.</p> <p>The submitter does not believe the process has been fair or transparent and that the time given for property owners to consider the draft Study was not sufficient. The submitter is of the opinion that Council has had a multitude of opportunities to advise homeowners in writing of the draft Study and that it wasn't until February this year that</p>		
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	Council started communicating with property owners.		
79	<p>Oppose</p> <p>The submitter acts on behalf of property owners with a home listed in the draft Study. The property owners do not support the inclusion of their property in the Heritage Overlay.</p> <p>The submitter notes the modifications that have been made to the home. The submitter states that the property was previously considered in the Inter-War and Post-War Heritage Study and was not considered to be worthy of protection at that time.</p> <p>The submitter is of the opinion that there are numerous other and more intact examples of the modernist form and composition in Bayside.</p> <p>The submitter notes the property owners concern that their house will require significant medication in the future to comfortably accommodate their mobility needs. They are concerned that these changes cannot be made if a Heritage Overlay is applied to the property.</p> <p>The submitter also notes the property owners concern that the application of a Heritage Overlay could potentially decrease the value of their property.</p> <p>The property owners query if Council are considering applying rebates or other reductions to affected properties.</p>	148 Weatherall Road, Cheltenham	<p>Objection to the draft Study is noted.</p> <p>Information regarding the alterations that have occurred to the property have been provided to Council's heritage consultant, and a site inspection was also undertaken. A revised Statement of Significance has been prepared, removing elements that are no longer considered to contribute to the significance of the place. The Heritage Citation has also been updated.</p> <p>Council notes that the application of the Heritage Overlay does not restrict the property owner from making modifications to ensure their home is environmentally friendly, energy efficient, accessible, and safe. General maintenance, repair and replacement of failed elements (roofing, rainwater goods, windows, doors etc) on a like-for-like basis do not require a permit. Changes that alter the appearance and fabric of the building will require approval (either a through a planning permit or a streamlined VicSmart permit).</p> <p>It is also noted that the draft Study has not recommended internal controls be applied to any of the identified properties. That means that any changes to the house internally would not require a planning permit for heritage reasons.</p> <p>Council notes that property values are not a planning matter and is generally not a relevant consideration under the <i>Planning and Environment Act 1987</i> or the Bayside Planning Scheme. It is noted that property value can go up and down for a number of reasons (including but not limited to):</p> <ul style="list-style-type: none"> • The quality of the building/dwelling • The location and size of the building/dwelling • Market conditions and seasonal fluctuations; • Amenity; • The state of neighbouring properties; • Building use; • Rental return; and • Economic conditions.

	<p>The submitter also notes that the property owner opposes the mandatory imposition of a Heritage Overlay on their property and the impact such a listing would have on their future ability to live in the manner of their choosing.</p>		<p>It is therefore difficult to isolate the specific effects of a heritage listing and whether a Heritage Overlay alone impacts the 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 factors influencing property 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.</p> <p>Compensation or rate relief for homeowners of a heritage home is currently outside of scope of this draft Study. An action from the <i>Heritage Action Plan 2020</i> is to investigate opportunities to further support owners of heritage properties. This is scheduled to commence in 2025/26.</p>
80	<p>Oppose</p> <p>The submitter does not support the inclusion of their property in the Heritage Overlay.</p> <p>The submitter provides information outlining the changes that have occurred at the property over the years. The submitter is concerned that the Heritage Overlay would mean that additional changes to the property would be required to the "like for like" and this restricts their ability.</p> <p>The submitter is also of concern that the Heritage Overlay would impact the value of the property.</p> <p>The submitter makes comparison to another property which they consider more worthy of heritage listing.</p>	1-15/405 Beach Road, Beaumaris	<p>Objection to the draft Study is noted.</p> <p>Details of alterations that have occurred were provided to Council's heritage consultant and a site inspection was undertaken. It is acknowledged that some change has occurred to the property, including replacement of windows. For the most part, it was considered that these changes had been done in a way that is sympathetic to the original design and detailing of the complex and does not change the assessment that the property is of local significance.</p> <p>With regard to changes to external features, it is noted that the Heritage Overlay does not prevent change, but it does provide a control to ensure that changes are done in a way that respects the values of the place. Changes do not always need to be like for like to ascertain the approval of a planning permit.</p> <p>Council notes that property values are not a planning matter and is generally not a relevant consideration under the <i>Planning and Environment Act 1987</i> or the Bayside Planning Scheme. It is noted that property value can go up and down for a number of reasons (including but not limited to):</p> <ul style="list-style-type: none"> • The quality of the building/dwelling • The location and size of the building/dwelling • Market conditions and seasonal fluctuations; • Amenity;

			<ul style="list-style-type: none"> • The state of neighbouring properties; • Building use; • Rental return; and • Economic conditions. <p>It is therefore difficult to isolate the specific effects of a heritage listing and whether a Heritage Overlay alone impacts the 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 factors influencing property 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.</p> <p>The submitter's suggestion that another property is more worthy of heritage listing has been considered in the draft Study. The property is considered a very modest flat complex which, in form and detailing, presents in a manner similar to many of the two-storey modernist dwellings assessed as part of the draft Study. They were therefore considered against that building type and – while they are highly intact and would certainly be a contributory building within an intact post-war precinct – they were considered not to demonstrate the same level of architectural refinement demonstrated in other examples recommended for heritage controls.</p>
81	<p>Neither in favour nor against the Study's findings</p> <p>The submitter states they are “on the fence” with regard to their home being potentially included in the Heritage Overlay. The submitter loves their home however has undertaken some renovations and extended their home (while keeping the front façade intact).</p> <p>The submitter notes various alterations made to the property and subsequently requests the Statement</p>	15 Hume Street, Beaumaris	<p>The submitters position is noted.</p> <p>The changes made to the property have been considered by Council's heritage consultant and the Statement of Significance has been revised. The Heritage Citation for the property has been updated, specifically the comparative analysis.</p>

	of Significance should be updated to reflect the changes.		
82	<p>Oppose</p> <p>The submitter does not support the inclusion of their property in the Heritage Overlay. The submitter states that their home is old and disintegrating and is in disrepair.</p> <p>The submitter outlines that the asbestos roof was replaced approximately 10 years ago, however, no other significant maintenance has been undertaken since 1978.</p> <p>The submitter outlines various maintenance that is required to be undertaken but hasn't yet inside the home. The submitter also notes the rotting and warping of timber around glazing and the impacts this has had on the frames. Further issues are outlined in the submission.</p> <p>The submitter also provides information and photographic evidence noting the alterations and changes that have been made to the house.</p> <p>The submitter is concerned that the application of a Heritage Overlay will impact their ability to sell the home and also reduce the property value.</p> <p>The submitter appreciates mid-century architecture but is of the opinion that the fabric and intactness of their home has been severely altered and compromised beyond repair.</p> <p>The submitter states that if Council/community groups want these houses saved and heritage</p>	19 Olympic Avenue, Cheltenham	<p>Objection to the draft Study is noted.</p> <p>The further information regarding the changes and state of the property have been considered by Council's heritage consultant and the place is still considered to be of local heritage significance. Minor updates have been made to the Heritage Citation.</p> <p>Council notes that property values are not a planning matter and is generally not a relevant consideration under the <i>Planning and Environment Act 1987</i> or the Bayside Planning Scheme. It is noted that property value can go up and down for a number of reasons (including but not limited to):</p> <ul style="list-style-type: none"> • The quality of the building/dwelling • The location and size of the building/dwelling • Market conditions and seasonal fluctuations; • Amenity; • The state of neighbouring properties; • Building use; • Rental return; and • Economic conditions. <p>It is therefore difficult to isolate the specific effects of a heritage listing and whether a Heritage Overlay alone impacts the 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 factors influencing property 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.</p> <p>It is not a realistic proposition for Council to purchase all potential heritage properties as there are currently over 1,000 properties within the Heritage Overlay. The basis of the entire Victorian Planning system is to ensure that controls exist to regulate the use and development of land. It is not practical or</p>

	listed, they should purchase them when they are for sale and then heritage list them. The submitter feels it is unfair to force heritage listing upon private properties.		reasonable for public authorities to purchase or acquire all land where more restrictive planning controls are applied.
83	<p>Oppose</p> <p>The submitter does not support the inclusion of their property in the Heritage Overlay.</p> <p>The submitter is of the opinion that their property does not provide or represent any heritage value. The submitter is concerned that the application of a Heritage Overlay will place restriction on the use of the land and result in significant financial hardship.</p> <p>The submitter is also of the opinion that the application of a Heritage Overlay will also impact other residents as the dwelling is in a dilapidated state and will reduce the amenity and reduce property values.</p> <p>The submitter recognises that there may be many houses built in the post-war period that provide owners and the community with heritage value, however the submitter is of the opinion that their home is not one of these heritage valued places.</p> <p>The submitter makes suggestion to how their property should be assessed against the relevant criteria and provides further information about their property.</p>	1 Herbert Street, Beaumaris	<p>Objection to the draft Study is noted.</p> <p>While the submitter may be of the opinion that their home is not worthy of heritage protection, it is our heritage consultant's expert opinion that the properties identified within the Draft Post-War Modern Residential Heritage Study may be of local heritage significance. This identification has been based upon research and a site inspection of the properties 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 draft Statement of Significance for each property included in the draft Post-War Modern Residential Heritage Study outlines why the property has been included in the draft Study.</p> <p>Council notes that property values are not a planning matter and is generally not a relevant consideration under the <i>Planning and Environment Act 1987</i> or the Bayside Planning Scheme. It is noted that property value can go up and down for a number of reasons (including but not limited to):</p> <ul style="list-style-type: none"> • The quality of the building/dwelling • The location and size of the building/dwelling • Market conditions and seasonal fluctuations; • Amenity; • The state of neighbouring properties; • Building use; • Rental return; and • Economic conditions. <p>It is therefore difficult to isolate the specific effects of a heritage listing and whether a Heritage Overlay alone impacts the 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</p>

			<p>are all factors influencing property 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.</p> <p>A minor edit has been made to the Statement of Significance, noting the building company that built the home. The comparative analysis in the Heritage Citation has also been updated.</p>
84	<p>Oppose</p> <p>The submitter does not support the inclusion of their property in the Heritage Overlay.</p> <p>The submitter is of the opinion that the property does not meet the threshold for local significance and asks Council to remove the property from further consideration.</p> <p>The submitter notes that their home has not been previously identified in a heritage study and for this reason, the submitter is of the opinion that the house is not a great example of modern architecture in the City of Bayside.</p> <p>The submitter provides their own response to the Statement of Significance and reasons why they believe the criteria has not been met. The submitter also provides a list of what they consider key modernist design features and comments on those features that have been provided at the property.</p> <p>to inaccuracies within the Statement of Significance. The submitter reserves the right to contest the proposed amendment at any Planning Panels hearing.</p>	9 Coreen Avenue, Beaumaris	<p>Objection to the draft Study is noted.</p> <p>While the submitter may consider that their home is not worthy of heritage protection, it is Council's heritage consultant's expert opinion that the properties identified within the Draft Post-War Modern Residential Heritage Study may be of local heritage significance. This identification has been based upon research and a site inspection of the properties 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 draft Statement of Significance for each property included in the draft Post-War Modern Residential Heritage Study outlines why the property has been included in the draft Study.</p> <p>Council notes that it is not uncommon for properties that were not previously identified in Council's previous heritage studies to be identified for the first time within a later study, particularly where the study is more focused on a particular style of architecture, as is the case the draft Post-War Modern Residential Heritage Study. Simply because a property has not been previously identified does not indicate it is not of significance.</p> <p>Minor edits to the Statement of Significance were made to properly reference sourced material.</p>

85	<p>Oppose</p> <p>The submitter does not support the inclusion of their property in the Heritage Overlay.</p> <p>The submitter is concerned that any application of a Heritage Overlay will acquire the responsibility to continue to upkeep the house in a state of like for life, rather than repairing the home with modern materials and additions to make it sustainable and safe. The submitter queries if Council will contribute to this upkeep of their home and notes that their neighbours would not be asked to comply with such restrictions to changes and alterations, and that the submitter shouldn't be either.</p> <p>The submitter has found the process of the draft Study to be stressful, disheartening and time consuming. A heritage listing on the submitters home means losing the freedoms to choose the way the submitter wants to live.</p> <p>The submitter is of the opinion that their home is not an example of a style or architecture and it is not of local historical, representative (architectural) and aesthetic significance to the City of Bayside.</p> <p>The submitter also provided photos of some of the changes made to the property.</p>	<p>19 Florida Avenue, Beaumaris</p>	<p>Objection to the draft Study is noted.</p> <p>The Heritage Overlay does not prevent owners from renovating their home or undertaking alterations and additions. It is noted that the draft Study has not recommended internal controls be applied to any of the identified properties. That means that any changes to the house internally would not require a planning permit for heritage reasons.</p> <p>With regard to changes to the external facade, it is noted that the Heritage Overlay does not prevent change, but it does provide a control to ensure that changes are done in a way that respects the values of the place.</p> <p>There are no requirements under State legislation to maintain a locally significance heritage place to a certain standard. However, all homeowners do have a responsibility to maintain their homes to a habitable state.</p> <p>General maintenance, repair and replacement of failed elements (roofing, rainwater goods, windows, doors etc) on a like-for-like basis do not require a permit. Changes that alter the appearance and fabric of the building will require approval (either a through a planning permit or a streamlined VicSmart permit).</p> <p>The photos provided did not indicate any major changes or disrepair to the property.</p>
86	<p>Support</p> <p>The submitter supports the draft study and its implementation. The submitter lives in Beaumaris and has enjoyed learning about the history of the area from other community members and groups. The submitter places huge value in the built and natural heritage around them, and is tired of seeing</p>	<p>N/A - Submission not relating to a specific property</p>	<p>Support for the draft Study is noted.</p>

<p>so much senseless destruction, and it is not a sustainable way forward.</p> <p>The submitter notes the practice of applying Heritage Overlays to places of significance within Victoria as a way to protect significant homes. The submitter believes there are many examples across our state of homes that have become extremely desirable and had an increase in value and have been sought after once heritage listed. The submitter notes the huge popularity and value of mid-century homes overseas in places like Palm Springs.</p> <p>The submitter is concerned that misinformation is being spread amongst the community as to what heritage protection means for a homeowner. The submitter supports clear and honest community from Council to the homeowners identified in the study and is concerned this has not been championed as much as it should have. The submitter also supports Council helping these homeowners, and that other Melbourne councils have heritage funding programs that Council could look to adopt.</p> <p>The submitter lastly notes the unsuccessful attempts Council has had when seeking heritage protection of mid-century homes. The submitter has seen the countless destruction of so many importance buildings and its time to protect what is left and celebrate our rich architectural and cultural history for years to come.</p>		
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87	<p>Support</p> <p>The submitter has been a Beaumaris resident all their life, and while they have looked to live in other parts of Melbourne, there is a distinct sense of place they can only find in Beaumaris. This sense of place is defined by the coastal environment, busy vegetation and the once dominant informal housing style of homes, with post-war heritage architecture being a defining component of this housing style.</p> <p>The submitter notes that the draft study has arisen strong emotion responses from some post-war heritage homeowners and the proponents supporting heritage controls.</p> <p>The submitter notes that Beaumaris post-war architecture is significant because it represents a style of housing and a pattern of development that occurred in few Australian suburbs and is a highly respected and valued architectural style.</p> <p>When the submitter walks around Beaumaris, they admire and draw pleasure from these original houses. The submitter thanks and respects the people who live in these houses and retain them to this day. Their homes make a significant contribution to the character and sese of place to many and not just to Beaumaris residents.</p> <p>The submitter states that if we lose post-war heritage homes, we lose the precious link to a valued suburban character that is unique to Melbourne. Without the contribution of post-war heritage homes, and their varied garden settings,</p>	N/A - Submission not relating to a specific property	Support for the draft Study is noted.
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<p>Beaumaris becomes just another suburb of mediocre and dominant architecture focussed solely inwards and obliterating the beautiful environment it replaces.</p> <p>The submitter states that while their house in Beaumaris does not have valued post-war heritage, they are reinstating some of the original features and plan to retain their house and garden for others to enjoy now and into the future.</p> <p>The submitter discusses heritage controls in planning, noting that planning controls already apply to every Beaumaris homeowner. Owners cannot build a house of any dimension or position on the block as they choose, and all properties are also covered by a Vegetation Protection Overlay. While this may constrain some residents use of their property, the protection and retention of trees by a planning control is respected and appreciated by many Beaumaris residents.</p> <p>The submitter understands that the implementation of heritage controls is a standard planning practice in Victoria, and Bayside City Council has a responsibility to undertake heritage studies and implement heritage controls where appropriate. The submitter states that this is no different to the routine implementation of heritage controls on many residents across Victoria.</p> <p>The submitter lastly notes that the retention of heritage is vital to our understanding and celebration of who we are. Beaumaris post war architectural is a critical element of the varied architectural heritage of Australian suburban life</p>		
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	and Council needs to act with haste to protect what remains.		
88	<p>Oppose</p> <p>The submitter does not support the inclusion of their dwelling in the Heritage Overlay for a number of reasons.</p> <p>The submitter has outlined the recent changes that have occurred to the property (and provided photographic evidence), showing that the brown face brick on the home has since been rendered a bright white.</p> <p>The submitter feels the integrity of the heritage place has been compromised. Furthermore, the submitter is concerned by the financial impact to owners that the submitter believes the Heritage Overlay would bring. The submitter states the Heritage Overlay would automatically reduce house resale prices by \$300,000. Heritage proposals are causing significant personal stress and impacting the submitter and other property owners affected by the draft study.</p> <p>The submitter also states that they have seen a good number of houses identified in this study undergo recent quick sales because owners do not want the ongoing stress and financial impact of the Heritage Overlay, with no true community perceived benefit.</p>	13A Ebdon Avenue, Black Rock	<p>Objection to the draft Study is noted.</p> <p>Upon consideration of the material provided in relation to this property, Council's heritage consultants have determined that this place does not meet the threshold for inclusion in the Heritage Overlay and are not recommending further heritage controls in relation to this site.</p>

89	<p>Oppose</p> <p>The submitter is concerned by the consideration of their house for inclusion in the Heritage Overlay.</p> <p>The submitter appreciates the desire to preserve historically significant architecture in their community, however, does not believe it is being approached in an acceptable, ethical or equitable manner.</p> <p>The submitter provides corrections to the draft Statement of Significance and also notes that the house has suffered architectural damage whilst owned by other people in the 1990s.</p> <p>The submitter states they grew up with a strong appreciation of the building's architectural intent however now feels threatened and angry by the loss of autonomy and authority that heritage listing would impose. They question the ethics and inequity of being held financially responsible for maintaining an ageing house for the benefit of the community. They are also concerned that additional costs may also apply in the form of permits and checks by heritage "specialists." The submitter is also concerned that their property will most likely decrease in value and that the pool of potential buyers would be reduced.</p>	9 Gray Court, Beaumaris	<p>Objection to the draft Study is noted.</p> <p>Under the <i>Planning and Environment Act 1987</i>, 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 is not a responsibility individually allocated to Bayside City Council. All other Victorian Councils must uphold this responsibility by preparing heritage studies and introducing the Heritage Overlay on properties identified as heritage significant.</p> <p>Corrections to the draft Statement of Significance have been made.</p> <p>Many property owners alike the submitter have voiced concern that the Heritage Overlay would restrict what they can and can't do on their property. The Heritage Overlay does not prevent owners from renovating their home or undertaking alterations and additions.</p> <p>It is noted that the draft Study has not recommended internal controls be applied to any of the identified properties. That means that any changes to the house internally would not require a planning permit for heritage reasons.</p> <p>With regard to changes to the external facade, it is noted that the Heritage Overlay does not prevent change, but it does provide a control to ensure that changes are done in a way that respects the values of the place. It is not always necessary to acquire heritage specialists to assist with the proposal of these changes.</p> <p>There are no requirements under State legislation to maintain a locally significance heritage place to a certain standard. However, all homeowners do have a responsibility to maintain their homes to a habitable state.</p> <p>General maintenance, repair and replacement of failed elements (roofing, rainwater goods, windows, doors etc) on a like-for-like basis do not require a permit. Changes that alter the appearance and fabric of the building will require approval (either a through a planning permit or a streamlined VicSmart permit).</p> <p>Council notes that property values are not a planning matter and is generally not a relevant consideration under the <i>Planning and Environment Act 1987</i> or the Bayside Planning Scheme. It is noted that property value can go up and down for a number of reasons (including but not limited to):</p> <ul style="list-style-type: none"> • The quality of the building/dwelling
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			<ul style="list-style-type: none"> • The location and size of the building/dwelling • Market conditions and seasonal fluctuations; • Amenity; • The state of neighbouring properties; • Building use; • Rental return; and • Economic conditions. <p>It is therefore difficult to isolate the specific effects of a heritage listing and whether a Heritage Overlay alone impacts the 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 factors influencing property 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.</p>
90	<p>Oppose</p> <p>The submitter thanks Council for the opportunity to comment on the draft Study. The submitter does not support the inclusion of their property in the Heritage Overlay.</p> <p>The submitter is of the opinion that there is a lack of rigour in the assessment of the properties, being no detailed on-site inspection, with the information indicating only the front of the site was viewed, which is insufficient to justify consideration of a Heritage Overlay for the site.</p> <p>The submitter notes that the development at their property would be prohibited under current planning controls, and questions why Council</p>	1-8/114 Bluff Road, Black Rock	<p>Objection to the draft Study is noted.</p> <p>As outlined in the draft Study, a rigorous assessment has been undertaken in preparation of the Study. While an on-site inspection cannot be undertaken without the consent of the property owner, it is common practice to assess the merits of a potentially significant heritage place from the public realm. Furthermore, the Heritage Overlay has not yet been applied to any properties identified in the draft Study, and a further Planning Panel process would occur which would further test the merits as to whether a place is considered heritage significant or not.</p> <p>Council notes that there are few properties identified in the draft Study that have been identified to be of local heritage significance that would also be prohibited under current planning controls (due to the height control in place). Council is of the opinion that this does not influence or relate to the significance of the property.</p> <p>Council also notes that the draft Study has been prepared by suitably qualified heritage experts that have prepared numerous heritage studies across Australia. Council's heritage consultant has prepared the draft Study in accordance with Planning Practice Note 1: <i>Applying the Heritage Overlay</i> alongside the principles</p>

	<p>would want to put the property on a pedestal by applying the Heritage Overlay to the site.</p> <p>The submitter is of the opinion that the building is unremarkable and has no distinguishable architectural features that warrant the inclusion in a Heritage Overlay. The units lack historical interest in terms of their architecture, there being a lack of ornate features or interesting design.</p> <p>The submitter is of the opinion that the draft Statement of Significance does not demonstrate any heritage merit of the property.</p> <p>Further, the submitter states that the era the property was built in (1970s) is not suitable for inclusion in the Heritage Overlay. Whilst some Heritage Overlays in Melbourne include post-war properties from the 50s, the submitter is of the opinion that including the 1970s period is a stretch, highly questionable and undermines the value of other properties within the existing Heritage Overlay.</p> <p>The submitter also states that there have been alterations of many of the buildings upon the site and that the property is not highly intact, and that the original paint colour has changed.</p>		<p>of the ICOMOS Burra Charter 'Understanding and assessing cultural significance' Practice Note.</p> <p>Council does not agree with the submitter's the opinion that the 1970s is not a period of time that should be considered for heritage significance. The purpose of the draft Study was to identify residential buildings and precincts constructed within the Bayside municipality in the post-war period (1945-1975).</p> <p>While the submitter states that alterations have occurred to the property, the submitter does not clarify what these changes are or provide photos of what alterations have occurred, other than the change in paint colour. There were no identified Council records of alterations having occurred.</p>
91	<p>Oppose</p> <p>The submitter highlights the retrospective nature of the imposition of any potential Heritage Overlay. The submitter since purchasing their property has demolished sections of the property and has provided photographic evidence. The submitter</p>	5 Sandown Street, Brighton	<p>Objection to the draft Study is noted.</p> <p>Upon consideration of the material provided in relation to this property, Council's heritage consultants have determined that this place does not meet the threshold for inclusion in the Heritage Overlay and are not recommending further heritage controls in relation to this site.</p>

	intends to seek compensation from Council for any costs incurred through the delay in their renovation project.		
92	No position defined	N/A - Submission not relating to a specific property	The submission is noted.
93	Support The submitter thanks Council for commissioning the draft Study and appreciates the professional work of GJM Heritage in producing a comprehensive draft report. The submitter has witnessed the undermining and cancellation of earlier Bayside heritage studies and urges Council to embrace the new study. The submitter discusses Bayside's cultural heritage significance and mid-century modern architecture being a critical part of this. However, there is a clear lack of protection of properties built in this era s very little are identified in the Heritage Overlay in the Bayside Planning Scheme. The submitter is concerned that without this representation in the Heritage Overlay, they will continue to witness the loss and destruction of these homes. The submitter objects any notion that the heritage protection of individual properties should or could provide unreasonable burdens or unfair disadvantage to the property owners. The submitter states that heritage is simply part of our planning legislative framework and that it cannot be voluntary. The submitter states that other	N/A - Submission not relating to a specific property	Support for the draft Study is noted.

	<p>planning guidelines aren't voluntary, nor are other statutory obligations where Councils are the relevant authority.</p> <p>The submitter is concerned by the failed prevention of demolition of several properties identified in the draft Study and does not wish for any other properties identified in the draft Study to be lost. The submitter urges Council to adopt the study and leave the debate about the merits of individual properties to the heritage experts.</p>		
94	<p>Oppose</p> <p>The submitter writes on behalf of their grandmother, who is the owner of a property identified in the draft Study. The submitter does not support the inclusion of the property in the Heritage Overlay.</p> <p>The submitter notes that a portion of the home towards the front of the house had to be rebuilt due to a tree falling on the home, and also notes other changes that have occurred over the years. The submitter provides photographic evidence of these changes.</p> <p>The submitter also notes that the surrounding houses are new builds or recently renovated, so they do not understand why the home would be seen as a potentially heritage significant house.</p> <p>The submitter does not think Council should be able to put such an imposition onto any homeowner and that her grandmother should be able to live in her home freely without the worry of Council controlling her home.</p>	3 Seaview Crescent, Black Rock	<p>Objection to the draft Study is noted.</p> <p>Council's heritage consultant has been informed of the changes to the property and is of the view that the home is still of local heritage significance. Minor edits have been made to the Statement of Significance and Heritage Citation.</p>

95	<p>Support</p> <p>The submitter recognises the significant contribution of mid-century modern architecture in Bayside designed by Robin Boyd, alongside his architectural contemporaries, including Neil Clerehan, Mockridge Stahle and Mitchell, John and Phyllis Murphy, James Earle, John Baird, McGlashan & Everist, Geoffrey Woodfall, David Godsell, Ken Rendell and Chancellor and Patrick.</p> <p>The submitter also notes the identification of a number of intact properties that were a result of the Small Homes Service, of which Robin Boyd was the founding director of. The submitter states it is encouraging to see that this incredibly significant building program is finally being recognised with appropriate examples cited.</p> <p>The submitter actively encourages Council to apply the Heritage Overlay to two properties identified in the draft Study that they consider as outstanding and intact examples of Robin Boyd's residential architecture.</p> <p>The submitter urges Council to adopt the recommendations of Council's heritage consultant and prepare a planning scheme amendment to proceed with permanent recognition and protection for these properties.</p>	N/A – Submission made by Community Organisation	Support for the draft Study is noted.
96	<p>Oppose</p> <p>The submitter does not support the inclusion of their property in the Heritage Overlay. The</p>	1-7/150 Beach Road, Sandringham	<p>Objection to the draft Study is noted.</p> <p>The Heritage Overlay does not prevent owners from renovating their home or undertaking alterations and additions.</p>

	<p>submitter is of the opinion that their property lacks structural integrity and that the Heritage Overlay would limit their ability to evolve the building to meet safe building standards.</p> <p>The submitter also notes the carports were designed in era when cars were very small. Redevelopment of the building would need to see the car spaces adequately sized for vehicles of today.</p> <p>The submitter is also of the opinion that the property has very low street appeal and does not utilise land space effectively and therefore limits the redevelopment opportunities.</p> <p>The submitter also notes that they have had structure engineers provide building safety and structural integrity reports over the years. These reports note that the concrete balcony required significant restoration works to comply with OHS obligations. Various windows have also been replaced upon the property and the rear court yard is 'dead and underutilised space.'</p>		<p>It is noted that the draft Study has not recommended internal controls be applied to any of the identified properties. That means that any changes to the house internally to ensure safer building standards would not require a planning permit for heritage reasons.</p> <p>With regard to changes to external features, it is noted that the Heritage Overlay does not prevent change, but it does provide a control to ensure that changes are done in a way that respects the values of the place.</p> <p>General maintenance, repair and replacement of failed elements (roofing, rainwater goods, windows, doors etc) on a like-for-like basis do not require a permit. Changes that alter the appearance and fabric of the building will require approval (either a through a planning permit or a streamlined VicSmart permit).</p> <p>Council notes the changes that have occurred to the property are minor. Council's heritage consultant has been informed of these changes.</p>
97	<p>Oppose</p> <p>The submitter does not support the inclusion of their property in the Heritage Overlay. The submitter notes other owners at the property have already provided submissions and the submitter supports the points made in these submissions.</p> <p>The further points the submitter makes is that they feel that it is too late to protect heritage buildings in Bayside as many have already been bulldozed. The submitter is also of the opinion that their</p>	1-7/150 Beach Road, Sandringham	<p>Objection to the draft Study is noted.</p> <p>While the submitter may be of the opinion that their home is not worthy of heritage protection, it is our heritage consultant's expert opinion that the properties identified within the Draft Post-War Modern Residential Heritage Study may be of local heritage significance. This identification has been based upon research and a site inspection of the properties 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 draft Statement of Significance for each property included in the draft Post-War Modern Residential Heritage Study outlines why the property has been included in the draft Study.</p>

	<p>property holds much less merit in comparison to many other amazing properties that have been demolished.</p> <p>The submitter also states that there are many things in the building itself that do not comply with current building codes.</p> <p>The submitter is concerned that the cost of maintenance and repairs will increase when having to comply with a Heritage Overlay.</p> <p>The submitter does not believe Council should be able to take control away from owners on this property given how much development has occurred around them. The submitter does not think the property is heritage significant and does not believe any residents would think so either.</p>		<p>Many property owners alike the submitter have voiced concern that the Heritage Overlay would restrict what they can and can't do on their property. The Heritage Overlay does not prevent owners from renovating their home or undertaking alterations and additions.</p> <p>It is noted that the draft Study has not recommended internal controls be applied to any of the identified properties. That means that any changes to the house internally would not require a planning permit for heritage reasons.</p> <p>With regard to changes to the external facade, it is noted that the Heritage Overlay does not prevent change, but it does provide a control to ensure that changes are done in a way that respects the values of the place.</p> <p>There are no requirements under State legislation to maintain a locally significance heritage place to a certain standard. However, all homeowners do have a responsibility to maintain their homes to a habitable state.</p> <p>General maintenance, repair and replacement of failed elements (roofing, rainwater goods, windows, doors etc) on a like-for-like basis do not require a permit. Changes that alter the appearance and fabric of the building will require approval (either a through a planning permit or a streamlined VicSmart permit).</p>
98	<p>Oppose</p> <p>The submitter does not support the inclusion of their property in the Heritage Overlay.</p> <p>The submitter believes their property has a heritage label attached to it because it is a new age design and the architects reputation. The submitter is of the opinion that heritage listing should be given to a building of good design, excellent workmanship, quality materials, and all year round suitability to the climate, on a good site with the prospects of being liveable for many generations.</p>	50 Wells Road, Beaumaris	<p>Objection to the draft Study is noted.</p> <p>A heritage consultant's expert opinion is that the properties identified within the Draft Post-War Modern Residential Heritage Study may be of local heritage significance. This identification has been based upon research and a site inspection of the properties 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 draft Statement of Significance for each property included in the draft Post-War Modern Residential Heritage Study outlines why the property has been included in the draft Study.</p> <p>The alterations and additions to the property have been noted. As written in the draft Statement of Significance, it was known that alterations included the construction of a large two-storey addition to the north in the 1980s in the location</p>

	<p>The submitter provides historic information about their home and the original owner and architect. The submitter also outlines the alterations made by a previous owner and the changes made by the submitter themselves since owning the property.</p> <p>The submitter notes the house needs ongoing repairs, and that they intend to repair the house using best building practice. However, they fear if the house is heritage listed, 'well minded groups' will interfere with the submitters plan to make the house completely liveable for the next couple of generations.</p> <p>The submitter does not agree that their home was well resolved and carefully detailed when it was handed over to the owner.</p> <p>The submitter states that they have enjoyed living in the home and have no intention of selling, moving or demolishing and hope when the time comes one of their children will take up residence in the home.</p>		<p>where a two-storey element (including squash court) was originally planned by Chancellor & Patrick. This addition does not diminish the design intent of the house and it retains the ability to be understood and appreciated as an example of a 1950s house built in the Post-War Modernist style.</p> <p>It is also noted that many of the changes stated by the submitter are internal. It is noted that the draft Study has not recommended internal controls be applied to any of the identified properties. That means that any changes to the house internally would not require a planning permit for heritage reasons and that changes previously made internally to the home are not considered to impact the heritage significance of the home.</p> <p>Council notes that the Heritage Overlay does not prevent the owner from renovating, maintaining or undertaking alterations and additions to their home. General maintenance, repair and replacement of failed elements (roofing, rainwater goods, windows, doors etc) on a like-for-like basis do not require a permit. Changes that alter the appearance and fabric of the building will require approval (either a through a planning permit or a streamlined VicSmart permit).</p> <p>With regard to changes to the external facade, it is noted that the Heritage Overlay does not prevent change, but it does provide a control to ensure that changes are done in a way that respects the values of the place.</p>
99	<p>Oppose</p> <p>The submitter is of the opinion that their home is not an intact heritage house and has provided detailed information and photographic evidence of the renovations that have occurred over the years. This includes an extension to the front of the house, rendering, changes to the windows and the front façade.</p> <p>The submitter loves mid-century architecture and aims to look after these aspects of the house.</p>	13 Fifth Street, Black Rock	<p>Objection to the draft Study is noted.</p> <p>Council's heritage consultant has been informed of the changes to the property and has revised the Statement of Significance. Council's heritage consultant is of the view that the house is still substantially intact and retains the ability to be understood and appreciated as an example of a 1960s house built in the Post-War Modernist style.</p>

	However, the house has many 'replicas' or 'sympathetic' additions rather than original features, which the submitter is of the opinion that this does not justify a Heritage Overlay. The submitter is of the opinion that the property is no longer intact or retains integrity of the original home.		
100	<p>Oppose</p> <p>The submitter has provided detailed information and photographic evidence of the alterations and additions that have occurred to the property over the years. The submitter is of the opinion that given these changes have compromised the significance of the property and should not be included in the Post-War Modern Residential Heritage Study.</p>	14 Fairway Avenue, Cheltenham	<p>Objection to the draft Study is noted.</p> <p>Council's heritage consultant has been informed of the changes to the property and has revised the Statement of Significance so that these changes are mentioned. The modifications are considered to be sensitively designed and do not change the recommendation that the place is of local heritage significance.</p>
101	<p>Oppose</p> <p>The submitter purchased their property as an investment property and now that they are retired, they wish to sell their property to secure funds for living.</p> <p>The submitter was not aware that their property was included in the heritage study and never suspected it would be considered for heritage value. The submitter is not aware of the property ever being previously considered in a heritage study before.</p> <p>The submitter requests Council remove their property from the draft Study.</p>	105 Dalgetty Road, Beaumaris	<p>Objection to the draft Study is noted.</p> <p>Council's heritage consultant's expert opinion is that the property should be recommended for inclusion in the Heritage Overlay of the Bayside Planning Scheme. This identification has been based upon research and a site inspection of the 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 draft Statement of Significance for each property included in the draft Post-War Modern Residential Heritage Study outlines why the property has been included in the draft Study.</p>
102	<p>Oppose</p>	26 Anita Street, Beaumaris	Objection to the draft Study is noted.

<p>The submitter states they are not opposed to heritage listing, they are opposed to compulsory heritage listing and wish for their property to be removed from the possible inclusion in the Heritage Overlay.</p> <p>The submitter provides further information relating to the alterations that have been made their property over the years. The submitter is of the opinion that these changes have altered the original design intent of their home and that the house does not have sufficient integrity to meet the threshold for inclusion in the Heritage Overlay.</p> <p>The submitter is concerned that a Heritage Overlay would diminish the value of their property and the buyers' market. The submitter is also concerned that the heritage listing would restrict what they can and cannot do to their home and therefore limit their rights as a property owner compared to properties that aren't heritage listed.</p> <p>The submitter states that this process has become very stressful and is having an affect on their health and wellbeing, which the draft Study does not take into account.</p>	<p>Council's heritage consultant has been informed of the changes to the property and is of the view that the place is still of local heritage significance. A revised Statement of Significance has been prepared.</p> <p>Council notes that property values are not a planning matter and is generally not a relevant consideration under the <i>Planning and Environment Act 1987</i> or the Bayside Planning Scheme. It is noted that property value can go up and down for a number of reasons (including but not limited to):</p> <ul style="list-style-type: none"> • The quality of the building/dwelling • The location and size of the building/dwelling • Market conditions and seasonal fluctuations; • Amenity; • The state of neighbouring properties; • Building use; • Rental return; and • Economic conditions. <p>It is therefore difficult to isolate the specific effects of a heritage listing and whether a Heritage Overlay alone impacts the 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 factors influencing property 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.</p> <p>The Heritage Overlay does not prevent owners from renovating their home or undertaking alterations and additions. It is noted that the draft Study has not recommended internal controls be applied to any of the identified properties. That means that any changes to the house internally would not require a planning permit for heritage reasons.</p> <p>With regard to changes to the external facade, it is noted that the Heritage Overlay does not prevent change, but it does provide a control to ensure that changes are done in a way that respects the values of the place.</p>
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			<p>There are no requirements under State legislation to maintain a locally significance heritage place to a certain standard. However, all homeowners do have a responsibility to maintain their homes to a habitable state.</p> <p>General maintenance, repair and replacement of failed elements (roofing, rainwater goods, windows, doors etc) on a like-for-like basis do not require a permit. Changes that alter the appearance and fabric of the building will require approval (either a through a planning permit or a streamlined VicSmart permit).</p> <p>There are many houses within the City of Bayside that are subject to different planning controls which restrict the type of development that can occur on land. Different sites can have different controls depending on the specific outcomes sought for a site/area.</p>
103	<p>Oppose</p> <p>The submitter opposes the Minister for Planning's intervention in the voluntary nomination process, and Council's subsequent agreements to stop the voluntary inclusion program.</p> <p>The submitter is of the opinion that the heritage process is unfair and goes against the concept of fairness when a person's private property is affected by an administrative decision without consideration of compensation.</p> <p>The submitter states that they do not have the financial capacity to respond to a Heritage Overlay being placed over their property and to press forward without taking their personal circumstances into account is neither fair nor reasonable.</p> <p>The Submitter is of the opinion that Council should reinstate the voluntary nomination process and abandon the draft Study.</p>	50 Scott Street, Beaumaris	<p>Objection to the draft Study is noted.</p> <p>Council's heritage consultant has been informed of the changes to the property and is of the view that the home is a substantially intact representative example of Modernist suburban housing constructed during the Post-war period in the City of Bayside. The Statement of Significance and Heritage Citation have been revised to note the alterations that have occurred, while also updating the Comparative Analysis.</p> <p>Under the <i>Planning and Environment Act</i> 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 is not a responsibility individually allocated to Bayside City Council. All other Victorian Councils must uphold this responsibility by preparing heritage studies and introducing the Heritage Overlay on properties identified as heritage significant.</p> <p>With regard to the submitters financial capacity to respond to a Heritage Overlay being placed upon the property, Council notes that it is not a requirement of this consultation period of the Planning Panel Hearing to be represented by a lawyer or expert heritage consultant or have an expert witness appointed.</p> <p>The Planning Panel process is designed to be a forum where anyone can represent themselves, without needing to engage expert evidence or</p>

<p>The submitter also notes the Climate Emergency declared by Council and is of the opinion that these properties identified in the draft Study were not designed to address a climate emergency. The proposed were built cheap.</p> <p>The submitter supports the position that anything that affects their existing property rights should only be changed with their prior written agreement. The submitter continues to support the voluntary listing of heritage properties and the development of financial mechanisms that remove the ongoing financial imposition on an owner in respect of a Heritage Overlay and compensation for the owner for any reduction in the value of their home.</p> <p>The submitter refers to various sections of the draft Statement of Significance that they are not supportive of. The submitter also advises of the changes that have been made to the property and refers to previous information that they shared with Council outlining these changes.</p> <p>The submitter believes their home is at the end of its economic life and will need to be replaced with a more modern, environmentally friendly home, designed to respond to the climate emergency.</p> <p>The submitter is concerned that the Heritage Overlay reduces the opportunity to maximise the return on their asset.</p>	<p>representation. It is common to have residents advocating their own interests in this forum and Council officers can advise further on the Planning Panel process.</p> <p>As the submitter has pointed out in their submission, Council has previously undertaken a voluntary heritage nomination approach which was not supported by the Minister for Planning. The Minister considered the process did not adequately fulfil Council's responsibilities under the <i>Planning and Environment Act 1987</i>. 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.</p> <p>Council would also like to clarify that the application of the Heritage Overlay does not restrict the property owner from making modifications to ensure their home is environmentally friendly, energy efficient, accessible, and safe. General maintenance, repair and replacement of failed elements (roofing, rainwater goods, windows, doors etc) on a like-for-like basis do not require a permit. Changes that alter the appearance and fabric of the building will require approval (either a through a planning permit or a streamlined VicSmart permit).</p> <p>Furthermore, many heritage homes can be retrofitted to be more sustainable and energy efficient, and extending their useful life.</p> <p>It is also noted that the draft Study has not recommended internal controls be applied to any of the identified properties. That means that any changes to the house internally would not require a planning permit for heritage reasons.</p> <p>Council notes that property values are not a planning matter and is generally not a relevant consideration under the <i>Planning and Environment Act 1987</i> or the Bayside Planning Scheme. It is noted that property value can go up and down for a number of reasons (including but not limited to):</p> <ul style="list-style-type: none"> • The quality of the building/dwelling • The location and size of the building/dwelling • Market conditions and seasonal fluctuations; • Amenity; • The state of neighbouring properties; • Building use;
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			<ul style="list-style-type: none"> • Rental return; and • Economic conditions. <p>It is therefore difficult to isolate the specific effects of a heritage listing and whether a Heritage Overlay alone impacts the 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 factors influencing property 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.</p>
104	<p>Oppose</p> <p>The submitter has provided supporting evidence from a structural engineer and a heritage consultant. The submitter notes that their property, which has been identified in the draft Study, is in very poor condition and provides a summary of significant issues identified at the property.</p> <p>The submitter also notes that the house is a public safety risk, and does not undertake how or why Council would deem the property salvageable for heritage purposes. The submitter is of the opinion that the potential listing is illogical.</p> <p>The submitter notes that an Emergency Order has been issued arising from the condition of the swimming pool and the barriers located at the rear of the property. Further, an unstable tree branch had broken from the property and fallen close to a bus stop and made the pathway inaccessible.</p> <p>the submitter is concerned that financial losses will be incurred as a result of the Heritage Overlay if it</p>	165-167 Tramway Parade, Beaumaris	<p>Objection to the draft Study is noted.</p> <p>Details of alterations that have occurred were provided to Council's heritage consultant and a site inspection was undertaken. The Statement of Significance has been updated to reflect a more accurate understanding of the place.</p> <p>Council's heritage consultant is of the opinion that the building remains highly intact to its period of construction and clearly demonstrates key Modernist characteristics, but it is also in a heavily dilapidated state having been subject to long term neglect by previous owners.</p> <p>Whilst the consultant acknowledged the challenges facing the current owners, from a heritage perspective, Planning Panels have consistently found that the poor condition of a place is not a relevant matter when considering heritage significance. Instead, the key matter is whether the place remains sufficiently intact to demonstrate the asserted heritage values.</p> <p>The condition of the dwelling then becomes a relevant consideration for the planning permit (management) process under the Heritage Overlay, when demolition or redevelopment is sought.</p> <p>Consistent with established heritage practice – in particular with <i>The Burra Charter: the Australia ICOMOS Charter for Places of Cultural Significance</i> (2013) and its practice notes, the consultant considers the place remains highly intact and continues to warrant inclusion in the Heritage Overlay. We do however</p>

	<p>is applied. The submitter is of the opinion that the property will be significantly devalued for resale and that the submitter will no longer be able to proceed with their proposed development on the site.</p> <p>The submitter does not consider restoration of the property a reasonable solution as that this would incur substantial costs to do so.</p> <p>The submitter seeks the removal of their property from the draft Study on the grounds it is not fit for any reasonable restoration, and that the home poses a very significant risk to public safety.</p> <p>The submitter provides additional photos illustrating the state of the property, alongside the Emergency Order received by Bayside City Council, the Structural Engineer report and heritage assessment.</p>		<p>recognise that the subsequent management of the property is very challenging. The Citation has been updated to note that the property is in poor condition.</p>
105	<p>Oppose</p> <p>The submitter does not support the inclusion of their property in the Heritage Overlay as they have undertaken recent renovations (internally). The submitter understands that the aspects of the house that have been identified in the draft study are at the front of the house including the driveway, which the submitter regard as a safety issue and in the longer term will need to be changed and therefore would value their freedom to do so.</p>	<p>171 Tramway Parade, Beaumaris</p>	<p>Objection to the draft Study is noted.</p> <p>Council notes that the application of the Heritage Overlay does not restrict the property owner from making modifications to ensure their home is accessible. General maintenance, repair and replacement of failed elements (roofing, rainwater goods, windows, doors etc) on a like-for-like basis do not require a permit. Changes that alter the appearance and fabric of the building will require approval (either a through a planning permit or a streamlined VicSmart permit).</p> <p>The Heritage Overlay does not prevent change, but it does provide a control to ensure that changes are done in a way that respects the values of the place.</p>

5 Project evaluation

Participant reach and representation

The consultation was targeted primarily at property owners with properties identified in the draft Study.

The reach target was for all owners of property contained within the draft Study to be informed of process and opportunity to provide information regarding their property.

This was achieved primarily via registered letter. Council received 10 Return to Sender notices, with 2 of these being received due to the property owners not claiming the registered post.

Council sent letters to all affected property owners in February and has since received correspondence from 127 of the 177 property owners.

Process

Information was provided to stakeholders in print (registered letter, information brochure, Statement of Significance) and via Council's Have Your Say engagement platform.

Communications were highly targeted and so it was expected that there will be 300 unique Have Your Say webpage visitors (exceeded, 1,299) with that aim that 25% of visits would last longer than one minute (exceeded, 32.5%).

Engagement Plan Overview

An Engagement Plan Overview was published as a subpage on the Have Your Say website as part of the consultation on the draft Study. The Engagement Overview page was viewed 91 times by 62 visitors during the consultation period with no comments or questions received.

Q&A tools

The Q&A forum received three questions, which were all responded to by Council officers.

Question 1: viewed by 5 individuals

Question 2: viewed by 7 individuals

Question 3: viewed by 10 individuals

The frequently asked questions on this page were viewed 148 times by 65 individuals.

6.1 Have Your Say Property owners submission form

Property owners can also continue undertaking research and collating information related to their property after the completion of the Post-War Modern Residential Heritage Study. This information would be encouraged to be submitted as an attachment to a submission during a Planning Scheme Amendment Public Exhibition Period – which would be the next step in the process.

What is the address of the property that your submission is in regard to?

Unit number

Street number Required

Street name Required

Suburb Required

Postcode Required

Do you have any information you would like to have considered by Council and/or Council's heritage consultant regarding the heritage significance of your property?

This could include factual information such as photos, planning or building plans which show that the residential building has been altered or is not 'intact'. Examples of alterations to inform Council of include, but are not limited to:

- The exterior of the house has been recently renovated
- An addition to the house has been made (i.e garage, front porch)
- Windows, doors or other fixtures have been removed or replaced
- Any partial or full demolition that has occurred.

If you, as the property owner, are concerned that your house is no longer intact, photo evidence of any damage or disrepair is also encouraged to be provided to Council.

Please upload your files below. You can also post or hand-deliver information to Rachael Hudson, Senior Strategic Planner, Bayside City Council, 76 Royal Avenue, Sandringham 3191 or email rhudson@bayside.vic.gov.au

This form can be complete multiple times before 30 April 2022 should additional information become available.

Please upload your files here Required
Choose file...

Max files: **10** Allowed file types: **pdf,doc,docx,txt,xls,xlsx,rtf,png,gif,jpg,jpeg** Size limit: **10.00 MB**

Please provide your contact details:

First Name Required

Last Name Required

Phone number

Email

☐

Please select this box if you would like to receive email updates about this project

If you would like to meet with a Council Planner about this project please book a meeting via the blue button on this page.

Submit

6.2 Have Your Say Interested community members/groups submission form

This form can be completed multiple times before 30 April 2022 should additional information become available.

If you are the owner of a property included in the Draft Post-War Modern Residential Heritage Study, please [make your submission here](#).

Are you providing a submission as an individual resident or on behalf of a group? Required

☐

Individual resident

☐

Community group

Please make your submission in the comment box below or upload a written statement.

Please upload any files here.

Choose file...

Max files: **10** Allowed file types: **pdf,doc,docx,txt,xls,xlsx,rtf,png,gif,jpg,jpeg** Size limit: **10.00 MB**

Please provide your contact details

First Name Required

Last Name Required

Suburb

Phone number

Email

☐

Please select this box if you would like to receive email updates about this project

If you would like to meet with a Council Planner about this project please book a meeting via the blue button on this page.

Submit