

Summary of Submissions – Character Retention and Heritage Areas

| Issue | Administration Response | Recommended Modification |
|---|---|-----------------------------------|
| <p><u>Objection:</u> <u>Development precedence has been already set in Janet Street</u> 3 objections- A precedent has already been set by the approved demolition and redevelopment of No. 12 Janet Street with a two storey contemporary design.</p> <p>Additionally, the development of the existing apartment and town house complexes at the entrance to Janet Street detract from the heritage façade of Janet Street.</p> | <p>Any redevelopment in and around Janet Street has occurred prior to a Character Retention or Heritage Area Policy guidelines being in place to prevent demolition and subsequent redevelopment of an uncharacteristic nature. Despite this, the remaining Janet Street is a highly intact representation of the original 1920s streetscape. In direct response to the threat of further loss of this valued streetscape character, a nomination from 47% of Janet Street owners represents an interest from the community to explore opportunities to protect the Janet Street streetscape into the future, through a Character Retention or Heritage Area designation.</p> | <p>No modifications proposed.</p> |
| <p><u>Purchased Janet Street property without heritage status</u> 2 objections- The heritage listing and policy implications were not in place at the time and were not an expectation when property was purchased. Two owner expressed opposition to the subsequent imposition of a heritage listing on their property and the additional restriction that this would require.</p> | <p>The Character Retention And Heritage Area Policy is an initiative that has been developed over a number of years as a result of ongoing interest from the community for the protection of areas with character and heritage value. The Council has responded to a request from a number of owners on Janet Street to consider additional mechanisms for protection of this streetscape.</p> | <p>No modifications proposed.</p> |
| <p><u>The heritage status of Janet Street</u> 3 objections- The heritage significance of Janet Street has been overstated. Many of the original facades have been removed, modified or obscured. Sound justification of the heritage value of Janet Street has not been provided to the owners.</p> | <p>The City has undertaken a heritage assessment of Janet Street and is satisfied it meets the criteria to be included as a 'Heritage Area', in accordance with the State Heritage Office <i>Criteria for the Assessment of Local Heritage Places and Areas</i>, Clause 9 (1) of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> and Clause 6.3 of the City's <i>Policy No. 7.6.2 – Heritage Management – Assessment</i>.</p> | <p>No modification proposed.</p> |

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| <p><u>Heritage listing imposed by Council</u> 3 objections-</p> <p>The heritage listing is being imposed by the Council and was not requested or supported by the residents.</p> | <p>The Policy provides a mechanism for the Council to consider an area as a Heritage Area (Clause 6) where an area has been nominated for character retention, where a heritage assessment has been undertaken and the area is deemed to qualify as a Heritage Area. In this instance a valid nomination for Character Retention was received for Janet Street and a heritage assessment deemed the area suitably qualified as a Heritage Area.</p> <p>Clause 6.2 of the Policy requires that the City consult with landowners on the proposed heritage area designation prior to the Council making a decision whether to proceed with the heritage area designation. The City has undertaken formal consultation in accordance with this requirement, outcomes of which will be taken into consideration by the Council.</p> | <p>No modification proposed.</p> |
| <p><u>Heritage listing will devalue properties</u> 1 objection –</p> <p>The heritage listing will devalue the property and make it difficult to sell. The objector opposes to an encumbrance on the Certificate of Title.</p> | <p>Property value is not a valid planning consideration to be addressed by this policy amendment. This policy deals with the development and built form within the designated area.</p> <p>A Heritage Area designation will not be subject to any encumbrance on the Certificate of Title.</p> | <p>No modification proposed.</p> |
| <p><u>Heritage listing and design guidelines will impose unfair restrictions</u> 2 objections-</p> <p>The proposed guidelines will place burdensome and unfair restrictions on owners land and property.</p> | <p>The development of all properties in the City are already subject to the statutory requirements of the R-Codes and the City's planning policies. The Character Retention Areas and Heritage Areas guidelines simply replace or augment certain planning provisions to ensure that new development maintains the existing streetscape character and/or heritage value of the area.</p> | <p>No modification proposed.</p> |

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| <p><u>Proposed heritage listing will impose additional bureaucratic processes</u> 1 objection-</p> <p>Additional administrative burden and bureaucratic process imposed by a heritage listing.</p> | <p>The development of land is already subject to planning assessment and administrative process. Minimal if any additional process will occur as a result of the character or heritage designation of an area.</p> | <p>No modification proposed.</p> |
| <p><u>Heritage guidelines are not applicable retrospectively</u> 1 objection-</p> <p>There is no statement in the proposed guidelines that the heritage guidelines will not be applicable retrospectively.</p> | <p>The design guidelines provide a basis for the control of new development, as has been addressed in the 'Purpose' section of the policy. The policy is not intended to be applicable retrospectively, nor is this stated in the policy.</p> | <p>No modification proposed.</p> |
| <p><u>Flawed and non-compliant process</u> 1 objection-</p> <p>Objection was raised that the original nomination may not have been valid because the landowner in question was not approached and given opportunity to support/object to the initial nomination for Character Retention. The policy requires 40% of landowners support, however the submitter expressed concerned at the validity of the 40% support (namely support from non-owner occupiers instead of owners).</p> <p>As the original nomination was 2 years ago, the Council should not base their decision to proceed on the proposal on the original nomination.</p> <p>Furthermore, owners where not advised that the original Character Retention Area nomination was going to be considered as a Heritage Area. The process lacks transparency and adequate consultation.</p> | <p>A valid nomination representing 47% of Janet Street owners for character retention was received by the City. The City's Character Retention Areas and Heritage Areas Policy (the Policy) requires 40% representation from land owners.</p> <p>The Policy also provides a mechanism for the Council to consider an area as a Heritage Area (clause 6) where an area has been nominated for character retention and a heritage assessment has been undertaken and the area is deemed to qualify as a heritage area. In this instance a valid nomination for Character Retention in Janet Street and a heritage assessment deemed the area suitably qualified.</p> <p>Clause 6.2 of the Policy requires that the City consult with landowners on the proposed heritage area designation prior to the Council making a decision whether to proceed with the heritage area designation. The City has undertaken formal consultation in accordance with this requirement.</p> | <p>No modification proposed.</p> |

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| <p><u>Support:</u> General support for the protection of the heritage and character value and streetscape.</p> | <p>Noted</p> | <p>No modification proposed.</p> |
| <p><u>Parking permits to maintain streetscape</u> 1 comment-</p> <p>A request for additional residential parking permits for owners on Janet Street to facilitate adequate parking, without the requirement for crossovers and parking structures within the front setback areas. This will assist in maintaining the existing streetscape character.</p> | <p>Noted, however parking is not a specific matter for consideration as part of this policy amendment.</p> | <p>No modification proposed.</p> |